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STATE LIBRARY



# L A W S

OF THE

STATE OF INDIANA,

PASSED AT THE FIRST SESSION OF THE

*GENERAL ASSEMBLY,*

HELD AT CORYDON ON THE FIRST MONDAY IN NOVEMBER IN THE

YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTEEN.

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(BY AUTHORITY.)

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**LAWS**  
OF THE  
**STATE OF INDIANA.**

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**CHAPTER I.**

*AN ACT Organizing the Supreme Court, and  
regulating the practice therein.*

SEC. 1. **B**E it enacted by the General Assembly of the State of Indiana. That the Supreme court, shall consist of three Judges, any two of whom shall be sufficient to hold a court, who shall be commissioned by the Governor, which court shall be a court of Record, to all intents and purposes.

Supreme  
court to con-  
sist of three  
Judges.

§ 2. Every person so commissioned, before he enters upon the duties of his office, shall take the following oath or affirmation, to wit:— I, A. B, do solemnly swear or affirm, that I will administer justice without respect to persons, and I will faithfully and impartially discharge, and perform all the duties incumbent on me, as a Judge of the Supreme court of the state of Indiana, according to the best of my abilities and understanding, agreeably to the Constitution and laws of this state, "so help me God," omitting in the case of an affirmation, the words "so help me God;" which oath or affirmation may be administered by any Justice of the peace, or other person legally authorized to administer oaths; a certificate of which said oath shall be filed in the clerk's office of the said Supreme court, and also in the office of the secretary of state.

Oath of of-  
fice.

§ 3. The said court shall be holden twice in every year, namely, on the first Monday in the months of May and December, in the court house

When and  
where held.



at the seat of government; and the term commencing on the first Monday of May, shall be called the May Term, and the term commencing on the first Monday of December, shall be called the December Term; each term shall continue for the space of thirty days, unless the business before them shall be sooner dispatched; but the said court shall have power to prolong their session beyond the term, for expediting the business depending before them, if they shall see cause.

Clerk appointed.

To take oath

To give bond

Condition.

To be recorded.

Who may prosecute thereon.

His office to be inspected.

Sheriff of the county, an officer of the court.

§ 4. The Supreme court, shall appoint the clerk of said court, who, before he enters upon the duties of his office, shall take the following oath, to wit: I, A B, do solemnly swear or affirm, (as the case may be) that I will faithfully execute, to the best of my abilities the office of the clerk of the Supreme court, according to law, to be administered by either of the Judges of said court; and shall give bond to the Governor for the time being, and his successors in office, in the penalty of five thousand dollars, with two securities at least, to be approved of by the said court, conditioned, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments and orders of the said court, which bond shall be recorded in the said Supreme court, and shall not be void upon the first recovery, but may be put in suit from time to time, at the instance, and for the benefit of any party or parties injured, until the whole sum of the penalty expressed in such bond shall be recovered thereon.

§ 5. The Supreme court shall annually appoint one of the Judges thereof to inspect the clerk's office of said court, and to report to the next term of the said court the condition in which he found the records and papers, which report shall be recorded.

§ 6. The sheriff of the county in which the Supreme court shall be held, shall be adjudged an officer of said court; and shall attend the same with a sufficient number of deputies accordingly.

And the said sheriff and his deputies shall be bound to perform the same duties in relation to the business of the Supreme court as they shall by law be directed and required to perform, in relation to the circuit courts of this state, which shall or may hereafter be organized.

§ 7. The Supreme court shall have appellate jurisdiction in all cases, both in law and equity coextensive with the limits of the state: except in such cases as shall be hereinafter excepted; and in order to carry the same into effect, the said court in term time, or any Judge or Judges in vacation, shall have power, and are hereby authorized to issue all kinds of writs, orders and process according to the course of the common law and the usages of courts: Provided the same shall not be inconsistent with the Constitution and laws of this state: Provided however, that nothing herein contained shall be so construed as to authorize an appeal from any inferior court to the Supreme court in any criminal case; nor shall any writ of error operate as a supersedeas in a criminal case.

§ 8. Until it shall be otherwise provided for by law, the fees and compensation to the several officers of the said Supreme court, and the allowance to witnesses shall be the same, as shall be allowed in similar cases in the circuit courts and shall be collected and accounted for in the same manner; and for the services of the clerk and sheriff which are unlike those in the circuit courts, a reasonable compensation shall be made by the parties to be determined by the said Supreme court according to the equity and justice of the case, having regard to the fees allowed for services most similar to those in the said circuit courts.

§ 9. In all cases where the sheriff or his deputy attending the Supreme court shall be interested, or shall not be an indifferent person, the duty of such sheriff shall be performed by such disinterested or indifferent person as the Supreme

His duty.

Appellate jurisdiction of the court

Officers' compensation and allowance to witnesses.

Allowance to clerk & sheriff for extra services.

Where the sheriff is interested, court to appoint a person to act.



court shall appoint, and the person so appointed is hereby authorized to perform the same.

No discontinuance though Judges fail to attend. Judge or sheriff may adjourn for ten days.

§ 10. There shall be no discontinuance of any suit, process, matter, or thing returnable to or depending in the Supreme court, although a quorum of Judges shall fail to attend at the commencement, or any other day of the term; but if a majority of them shall not attend, any Judge of said court, or the sheriff attending the same, may adjourn the said court from day to day for ten days successively; and if a quorum shall not attend on the eleventh, or having attended one day shall fail to attend on a subsequent day of a term, the court shall stand adjourned until court in course.

Execution how to issue. When returnable.

§ 11. The executions to be issued from the Supreme court shall be the same as those which may be by law directed to be issued from the circuit courts hereafter to be organized, and the return days shall be appointed by said court.

Power of the court as to process.

§ 12. The Supreme court shall have power to direct the writs, summonses, process, forms and modes of proceedings, to be issued, observed and pursued by the said court, and shall make rules for that purpose, to be entered upon the records thereof, not inconsistent with the Constitution and laws of this state.

Extension of the power of the court.

§ 13. Writs of error issuing from and appeals made to the said Supreme court, shall extend to all judgments and decrees given by any of the inferior courts of records of the late Indiana Territory, or which may be given by any of the inferior courts of this state, except as hereinafter excepted, subject to such regulations and restrictions as may be prescribed by law: Provided however, that no judgment or decree shall be revised, set aside or made void by the said court for the want of supposed jurisdiction in the said former circuit court.

Rules to be observed in appeals and writs of error.

§ 14. In appeals and writs of error, the following rules shall be observed. No appeal shall be granted from the judgment or decree of an inferior court to the Supreme, unless such judgment or decree be final, and amounts exclusive of costs to

fifty dollars, or relate to a franchise or freehold. Every appeal shall be prayed for at the time of rendering such judgment, sentence or decree. The person appealing, shall, by himself, or some responsible person on his behalf, in the office of the clerk of the court from whence the appeal is prayed, give bond and sufficient security, to be approved of by the said court, and within a time to be fixed by the court, to the appellee for the due prosecution of his appeal. The penalty of the said bond shall be in a reasonable sum, in the discretion of the court.

§ 15. In all appeals and writs of error, the transcript of the record shall be transmitted by the plaintiff in error, or the clerk of the Supreme court, within thirty days at most, after the said appeal has been taken, or writ of error sued out, and shall not be thereafter received, unless for good cause shewn, to the satisfaction of the court, further time be given. The appellee or defendant in error, may demand a trial of such appeal or writ of error, during the term to which the same shall be made returnable; and the court shall not continue the same to another term, without the consent of the appellee or defendant in error, unless upon good and sufficient cause: and no pleadings shall be required on writs of error, except an assignment of errors by the plaintiff to be filed on or before the first day of the term to which the writ of error is returnable, and an answer thereto by the defendant, to be made at such time as the court shall direct. But the same shall stand for trial at the term to which they may be returned.

§ 16. No writ of error shall operate as a supersedeas, unless the supreme court, or some judge thereof in vacation, after inspecting the errors which shall be assigned upon the transcript of the record, shall order the same to be made a supersedeas. That in such case, the clerk issuing the said writ, shall endorse on the said writ of error, that it shall be a supersedeas, and as such, be obeyed accordingly. And it

Appeals when to be prayed for. Appellant to give bond.

Penalty:

Plaintiff in error to transmit a transcript of Record to the Clerk's office

When appellee may demand trial.

when to answer.

No writ of error to operate as a supersedeas unless ordered by a Judge.



Bond to be given, & condition thereof shall also be necessary, before a writ of error shall operate as a supersedeas, that bond, to be approved of by the clerk of the said Supreme court be given, in like manner, and with the conditions, and under the same penalties, as is provided in cases of appeal; except that the bond may be given in the clerk's office in the court below, in such manner as the Supreme court or Judge may direct. Writs of error shall, upon the demand of the person applying for the same, be issued as matter of right: except that no appeal shall be taken from the judgment of the circuit court, or any other inferior court, which may, or shall be hereafter organized, on a judgment reversing or confirming the judgment of any justice of the peace, to the Supreme court; nor shall any writ of error be issued from the said Supreme court to reverse the same: That the clerk of the said court, at the time of issuing a writ of error, shall issue a summons, directed to the sheriff of the county in which such defendant in error shall reside, requiring him to summon the said defendant or defendants to appear on the first day of the next term of said court, to answer such error or errors, & if the same shall, by the return of the sheriff, or other officer, appear to have been executed ten days before the return day thereof, the same shall stand for trial agreeably to the provisions of the fifteenth section of this act: If the same shall be returned not executed, or if by any other satisfactory proof it shall appear to the court, that such defendant or defendants are not inhabitants of this state, the said court may order that notice of the pending of such writ of error be published in some one of the public newspapers for three weeks successively; after which the same shall be proceeded upon in all respects as if process had been returned executed: *Provided however*, That the plaintiff in error, before suing out his writ of error, shall assign in writing all the errors in the record upon which he intends to rely, and file the same in the clerk's office in the county where such judgment was given,

Writs of error, matter of right.  
Exception.

Clerk to issue summons

When the defendant shall appear.

If returned non resident public notice to be given.

which he intends to reverse, and shall give to the defendant in error, his agent or attorney, if he or either of them live in that or an adjoining county, ten days notice of his having filed an assignment of such errors in the clerk's office as aforesaid, before he shall apply for a writ of error; and if the defendant in error, his agent or attorney, shall, within the ten days aforesaid, confess such errors, and file his confession in the same office as aforesaid, then such confession shall have the same effect that a decision in favor of such errors in the supreme court would have; and if the defendant in error shall confess a part of the errors assigned, and file such confession as aforesaid, and the Supreme court should decide against all the errors assigned but those confessed, then the plaintiff in error shall pay to the defendant in error all the costs that attends the suing out of such writ of error, and the cause shall be remanded back for trial in the circuit court as is provided for in this act.

§ 17. The plaintiff in error, except in cases of wills, shall assign errors upon matters of law only, arising upon the face of the proceedings. In cases of wills, the plaintiff in error may assign errors upon matters of fact, as well as upon matters of law, to be determined by the court. If the judgment or decree, be affirmed in the whole, the appellant shall pay to the appellee, a sum not exceeding ten per centum, at the discretion of the court, on the sum due thereby; besides the costs upon the original suit and appeal. If the judgment or decree shall be reversed in the whole, the appellee shall pay to the appellant such cost as the court in their discretion shall award. Where the judgment or decree shall be reversed in part, and affirmed in part, the costs of the original suit and appeal shall be apportioned between the appellant and appellee in the discretion of the court. The Supreme court, shall, in case of a partial reversal, give such judgment or decree as the inferior court ought to have given. On

Plaintiff to assign errors in law.

Errors in fact &c.

Damages on affirmance.

On reversal.

Costs to be divided.

What judgment court to give.



Court may is sue execution, or re- mand the cause.

Judgement of inferior court reversed no farther than to the first error.

Suit to be sent back with the opinion of the supreme court in writing.

What per centum allow defendant in error.

Limitations of writs of error with exceptions.

Where the merits of the case have been decided no judgement stayed or reversed.

appeals or writs of error, it shall be lawful for the Supreme court to issue execution or remit the cause to the inferior court, in order that an execution may be there issued, or that other proceedings may be had thereon. In all cases where any judgment or decree of any inferior court, shall be reversed by the Supreme court for, or on account of any error in law or in fact which shall, or may have taken place in the proceedings, management, and progress of any such suit, the said court shall not reverse the said proceedings any further than to the first error including the same which shall have been committed; that the said suit shall be sent back to the court from whence it came, together with the opinion of the said Supreme court, with directions for the same to commence from the last regular proceedings had thereon, and proceed to trial and judgment in the same manner as if no proceedings had been had in the superior court, taking the opinion of the Supreme court as their guide. And the party having committed the first error, shall pay to the opposite party, such costs as the court shall order and direct.

§ 18. Where any writ of error shall have been made a supersedeas, and the judgment or decree so superseded be affirmed in part or in whole, the defendant in error shall be entitled to the same percent in damages which is allowed by law in cases of appeals. A writ of error shall not be brought after the expiration of five years from the passing the judgment or decree complained of; except such person or persons shall have been, at the time such judgment or decree was made, an *Infant, feme covert, non compos mentis*, imprisoned, or out of the limits of the United States on public business; in which case, the time of such disability shall be excluded from the computation of the said five years.

§ 19 No judgment, after the verdict of twelve men, shall be stayed or reversed, where it shall appear to the court that the merits of the case have been fairly and fully decided by such verdict; and that such verdict and the judgment

thereon might be effectually pleaded in bar, to another action brought for the same cause: *But nothing herein contained, shall extend to cure or affect any errors in the judgment of the court before whom such cause may be tried, in questions of law which may have arisen or been brought before them by the pleadings therein, or otherwise, if the same appear upon the record by bill of exception or demurrer to evidence.* Whenever the Supreme court shall be divided in opinion, on hearing any appeal or writ of error, the suit shall be continued until the next term. And if then the court are still divided, the judgment or decree appealed from shall be affirmed.

§ 20. The clerk of the Supreme court shall carefully preserve the transcript of records, certified to his court, with the bonds for prosecution, and all papers relative to them, and other suits depending therein, docketing them in the order he may receive them, that they may be heard in the same course, unless the court, for good cause to them shewn, order any to be heard out of its turn. The proceedings of every day, during a term shall be drawn up at full length by the clerk against the next sittings of the court; and such corrections as may be necessary being first made therein, they shall be signed by the presiding judge. When any cause shall be finally determined, the clerk shall make a complete record thereof, and all writs, process and summonses issuing from the Supreme court shall bear test in the name of the clerk that issued the same, and be dated when they issued.

§ 21. The Supreme court shall have power to impose and administer all necessary oaths and affirmations, to punish by fine and imprisonment, all contempts of authority, in any cause or examination before the said court, and to establish all necessary rules for that purpose, or any other, in conformity to the constitution and laws of this state, not otherwise specially provided for by law.

§ 22. Witnesses shall be summoned in the same manner, have the same privileges, and be

When court divided in opinion suit continued &c

Clerk of the supreme court his duty

Power of the supreme court

witnesses how



summoned & their privileges

Jurors how summoned

Commissions to take depositions

Parties may manage their own causes and how

Transfer of all suits papers and documents belonging to the late genl. court to the supreme.  
Duty of the late clerk of the general court

subject to the same penalties that shall be prescribed by law respecting those summoned to attend the circuit courts hereafter to be organized. Jurors may be summoned whenever required, in such manner as the court shall direct, and be liable to the same fines and punishments which shall by law be inflicted on those summoned to, and attending on the said circuit courts.

§ 23. For good cause, the said Supreme court, or any Judge thereof in vacation, may grant commissions for the examination of witnesses; and the clerk of the said court, when any witness shall be about to depart from the state, or shall by age, sickness, or otherwise be unable to attend the court, or when the claim or defence of any party or a material part thereof shall depend on a single witness, may, upon affidavit thereof, (to be filed) issue a commission for taking the deposition of such person "de bene esse" to be read at the trial in case the witness shall be then out of the jurisdiction of the court, or unable to attend: but the party obtaining such commission, shall give reasonable notice to the opposite party, of the time and place of taking the same.

§ 24. In the Supreme court, the parties may plead and manage their own causes personally, or by their attorneys in fact, properly authorised for that purpose by letters of attorney; or by such attorneys at law, as by the rules of the said court shall be permitted to manage causes therein.

§ 25. All suits, actions, prosecutions, and recognisances of whatever nature or kind, pending and undetermined in the general court of the late Indiana territory, heretofore held at Corydon, together with all the records, documents, process, proceedings, and papers belonging to the same, shall be, and the same are hereby transferred into the Supreme court by this act, organized in the same order and condition they may be in when this act takes effect. And the clerk of the said general court is hereby authorised and directed, to attend on the first day of the first term of the

Supreme court, to be holden agreeably to the third section of this act, with all the books, records and papers, belonging, or in any wise appertaining to his said office, or any suit therein pending, and shall make out and furnish the said court with a docket of all the suits, actions and causes now pending in the said general court, in the same order they shall have been brought therein. And the clerk of the said general court shall be, and he is hereby authorized and required to attend the sitting of the said Supreme court aforesaid, in manner and form aforesaid as the clerk thereof, until the said court shall order to the contrary, and then deliver over the said records and papers to the clerk of the said Supreme court hereafter to be appointed under the penalty of five thousand dollars: the said Supreme court shall take up such of the said suits or actions as have been removed into the said general court from some inferior court, by writ of error or otherwise, and proceed to judgment thereon, in the same manner as if the said suits or actions had been in the first instance, removed into the said Supreme court, in the manner herein and heretofore prescribed; and the said Supreme court, or any Judge thereof in vacation, shall upon application of either party, order the clerk of such court to transmit all the papers, pleadings, and writings belonging to any and every such suit or action which had originated in the said general court and now pending therein at Corydon aforesaid, to the circuit court of the county in which the cause of action arose, or in which the parties or either of them may reside, or where the defendant was arrested, all which said suits or actions having originated in the said general court are hereby transferred to the circuit court of the county aforesaid, to which the said papers, pleadings and writings appertaining to each and every such suit or action, may be respectively transmitted in the manner, and by the order aforesaid. And all those suits or actions of whatsoever nature or kind, pending and undetermined in the

Penalty on the late clerk Further power & duty of the Judges of the supreme court.

Suits transferred to the circuit court

Transfer of suits that ori



ginated in  
the general  
court at Vin-  
cennes or  
Brookville to  
the circuit  
court

Duty of the  
clerks of the  
late general  
court

The Judges  
to devise a  
seal

The opinion  
of the court  
to be in writ-  
ing.

general court of the late Indiana territory heretofore held at Vincennes in the county of Knox, and at Brookville, in the county of Franklin, are hereby transferred into the circuit courts, to be holden in those counties respectively, in the same order and condition they may be in when this act takes effect; which circuit courts shall take up the same and proceed thereon to final judgment and execution, in the same manner as if they had been originally instituted in the last mentioned courts. And the clerks of the said general courts in those counties, shall deliver over to the clerks of the said circuit courts therein, all pleadings, papers and writings, which to the suits or actions last mentioned respectively appertain and belong: *Provided however*, That the right of appeal, writ of error, or change of venue, as in other cases, is hereby reserved to all the suits by this act transferred from the general court to the circuit courts aforesaid.

§ 26. The said court shall have a seal to be devised by the Judges thereof; and the description of the same in writing shall be deposited and recorded in the office of the secretary of State, and remain a public record; and the opinions and determinations of the court shall be delivered in writing, except in cases, and on subjects of an unimportant nature, which opinions and determinations shall be recorded by the clerk in a book kept for that purpose.

This act shall be in force from, and after the first day of February next.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 23, 1816—APPROVED,

JONATHAN JENNINGS.

## CHAP. II.

### *AN ACT organizing Circuit courts, and for other purposes.*

§ 1. *BE it enacted by the General Assembly of the State of Indiana*, That this state be, and the same is hereby divided into three circuits, to wit: the counties of Knox, Gibson, Warrick, Posey, Perry, Pike and Daviess, shall compose, and be the first circuit; the counties of Harrison, Clark, Washington, Jackson and Orange, shall compose and be the second circuit; and the counties of Wayne, Franklin, Dearborn, Switzerland and Jefferson, shall compose and be the third circuit: And in each and every county within each of the circuits aforesaid, there shall be holden a circuit court in each and every year, hereafter to be holden at such places as shall be appointed by law for the holding of courts; and at such times as shall or may be herein after directed; and the said courts so holden in each county, shall be called and styled Circuit, according to the name of the county in which it shall be holden, and shall each have a seal to be devised by the court, who shall cause a description thereof to be recorded.

§ 2. Each circuit court shall consist of one President and two Associate Judges, to be elected and commissioned in such manner as is provided by the constitution and laws of this state.

§ 3. The President and Associate judges of each circuit court, before they proceed to perform any of the duties of their respective offices shall take an oath or affirmation of office, similar to the one required to be taken by the Judges of the Supreme court, to be administered in like manner, which oaths or affirmations, (as the case may be) shall be endorsed on their respective commissions, and a copy or certificate thereof be filed, to wit: that of a President of the said courts in the office of the secretary of state, and that of the associate Judges in the clerk's office in

State divided  
into three  
circuits.

Style of the  
court.

Court to de-  
vise a seal.

Court to con-  
sist of a Pre-  
sident & two  
Associates  
President &  
Associates to  
take an oath.

Where filed.



the county for which they shall be elected.

**Clerk to take oath.** § 4. The clerk of the circuit court, before he shall enter upon the duties of his said office shall take an oath or affirmation similar to that to be taken by the clerk of the Supreme court, to be administered in like manner, and endorsed upon the back of his commission, and a copy thereof filed in the clerk's office of the county in which he shall be elected to serve, and give bond to the Governor for the time being, and his successors in office, in the penalty of two thousand five hundred dollars with two or more securities to be approved of by the two associate Judges of the said circuit court, conditioned, faithfully to discharge the duties of his said office as clerk of the circuit court, in and for the county of \_\_\_\_\_ and seasonably to record all the decrees, judgments and orders of said court, and also pay over all monies which shall or may come into his hands for the payment or in discharge of any judgment, order, or decree of the said court, whether the same be on the civil or criminal side of said court, to such person or persons as shall by law have a right to demand and receive the same; that such bond shall be spread upon the records of the said court, and the original filed among the papers thereof, and shall not be void upon the first recovery, but may be put in suit at the instance, and for the benefit of any party or parties injured, from time to time until the whole penalty shall be recovered.

**To give bond**

**Penalty.**

**May be sued.**

**Circuit courts**  
**courts of re-**  
**cord & their**  
**jurisdiction.**

§ 5. The circuit courts organized by this act, shall be, and the same are hereby made courts of record, and shall have jurisdiction in each and every county within this state, in and over all crimes and misdemeanors of whatever name or description the same shall or may be, which shall be committed within the jurisdiction thereof, and shall and may hear and determine the same, and sentence give, and execution award, according to the course of the laws that now are or hereafter may be in force in this state; and shall moreover have original jurisdiction in all causes, matters and things at law, and in chancery, and shall

have full cognizance of all actions, real, personal and mixed, within their respective circuits; and shall likewise have full power and authority in their respective circuits, to issue writs of Mandamus, Habeas corpus, and all other writs and process necessary to carry these said powers into effect, according to the course of the common law and the usages of courts not inconsistent with the laws of this state and the constitution thereof, and proceed thereon to final determination according to law.

§ 6. The said president of each circuit, and the associate Judges or any one of them shall have full power and authority, both in and out of court to act as conservators of the peace, and to take all manner of recognizances and obligations which shall be taken in the name of, and made payable to the state of Indiana, and all recognizances for any offence or suspicion thereof, or for the peace, good behaviour, or appearance which shall be taken by the said Judges or any one of them out of court, shall be returned to the next circuit court to be holden in the county where the same is taken, and the said circuit courts or any one of them, shall have full power and authority to issue process into any county in this state, against any person or persons who may have forfeited, or hereafter may forfeit any such recognizance or obligation as aforesaid, and proceed according to law, to levy and collect the same, and when collected, to order the same to be paid over and disposed of according to law.

§ 7. To the end, that all and every person or persons indicted or outlawed for felonious or other offences in one county, who shall remove into or dwell in another county, may be brought to justice in the proper county where the offence was committed; it is hereby directed that the said court may issue their writ or writs, or any other legal process, or any one of the Judges thereof in vacation, may issue his warrant or warrants, or any other legal process, to all or any of the sheriffs, or other proper officer or officers of said

May issue writs of mandamus &c.

President & Associates conservators of the peace Further powers of the same.

Persons fleeing from one county to another how to be dealt with

Duty of the court or any one of the Judges.



county or counties, to take such person or persons so indicted or outlawed : and it shall be lawful for the said courts to issue subpoenas and other process into any county in this state, for summoning or bringing any person or persons before them to give evidence in and upon any matter examinable and triable before them or either of them, under such penalties as are or hereafter may be provided by law with respect to such process. They shall likewise have power and authority as often as necessity may require, to issue dedimus, for the examination of witnesses agreeably to the regulations which are or may hereafter be established by law.

Style of all  
process.

§ 8 All process and writs issuing from and out of the said courts, shall run in the name of the state of Indiana, and bear test in the name of the clerk that issued the same, be dated the time they issue, and made returnable according to law.

Circuit courts  
when and  
where holden

§ 9 The circuit courts, organized by this act, shall be held in the different counties in this state, in each and every year hereafter, on the following days, to wit : those in the first circuit, (to wit,) in the county of Knox, on the last Mondays in February, May and September, and to sit at each term, twelve days, if the business shall require ; for the county of Gibson, on the second Mondays in March, June and October ; for the county of Posey, on the third Mondays in March, June and October ; for the county of Warrick, on the fourth Mondays in March, June and October ; for the county of Perry, on the first Mondays in April, July and November ; for the county of Pike, on the second Mondays in April, July and November ; and for the county of Davies, on the third Mondays in April, July and November ; and those in the second circuit, (to wit,) in the county of Clark, on the third Mondays in March, June and October, and to sit twelve days each, should the business require it ; for the county of Jackson, on the first Mondays in April, July and November ; for the county of Washington, on the second Mondays in April,

July and November ; for the county of Orange, on the third Mondays in April, July and November ; for the county of Harrison, on the fourth Mondays in April, July and November ; and those in the third circuit, (to wit) in the county of Dearborn, on the fourth Mondays in February, May and September ; for the county of Franklin, on the first Mondays in March, June and October ; for the county of Wayne, on the second Mondays in March, June and October ; for the county of Switzerland, on the third Mondays in March, June and October ; and for the county of Jefferson, on the fourth Mondays in March, June and October. The terms of the circuit courts in the respective counties, shall be designated and known by the name of the month in which such terms respectively commence ; and each and every court, at each and every term, in the said counties, in each of the three circuits, shall sit six juridical days if the business before them shall require it.

§ 10 That the first term of each of the said courts, to be holden in each of the circuits, agreeably to the provisions of the ninth section of this act, shall be holden, and commence on the days first mentioned therein. There shall be no discontinuance of any suit, process, matter or thing, returnable to, or depending in any of the said circuit courts to be holden by virtue of this act, although a quorum of Judges shall fail to attend at the commencement, or any other day of the term ; but if such number shall not attend, as shall, under the provisions of the constitution, be authorized to hold the said court, any Judge of said court, or the sheriff attending the same, may adjourn the said court for two days successively, and if a quorum shall not attend on the third day, or having attended one day, shall fail to attend on a subsequent day of a term, the court shall stand adjourned until court in course.

No discontinuance Judges failing to attend.

Sheriff may adjourn

§ 11 And be it further enacted, That all suits, actions, pleas, plaints, indictments, presentments, informations, prosecutions and causes,



Suits &c pending in the late territorial circuit court transferred to this

Proceedings of the court on the same

both civil and criminal, of whatsoever description they shall or may be, which are now depending in the present circuit court, as established by, and under the late territorial government, and continued in force and operation by the constitution of this state, or those that may hereafter be instituted in the courts aforesaid, previous to the time that this act shall take effect, and be in full operation in law, together with all the records, memorandums, documents, process, proceedings, rules, orders, petitions, papers and writings belonging to the same or any of them, in each of the said courts, shall be, and the same are hereby transferred into the circuit courts established by the constitution, and organized by this act, in the same order and condition that they shall or may be in, at the time this act shall take effect; and the said circuit courts organized by this act, shall take up the same and proceed to trial, judgment and execution in the same manner as if no alteration had been made in the said courts, and in the same manner as if such suits and actions so transferred had been originally commenced in the courts hereby organized.

Duty of the clerks of the late circuit courts.

§ 12. That all records, books, deeds, memorandums, dedimuses, exhibits, papers and writings, of whatever nature or kind, belonging or appertaining to the office, or offices of the said circuit courts established by the late territorial government, and now in being, as continued by the constitution, together with their seal and press, shall be by the clerks of the said courts in each and every county, delivered over to the clerks, to be elected or appointed for the circuit courts organized by this act, within ten days after such clerk shall be elected or appointed and sworn into office, according to the provisions of this act, under the penalty of five thousand dollars, to be recovered by indictment or presentment, in the said circuit courts.

Penalty. How recovered.

This act shall be in force from and after the Commencement tenth day of February next.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 24, 1816—APPROVED,

JONATHAN JENNINGS.

### CHAP. III.

*AN ACT giving certain powers to the Supreme and Circuit courts, and for other purposes.*

§ 1. *BE it enacted by the General Assembly of the State of Indiana,* That the Supreme court and the Judges thereof, both in and out of court, shall be, and they are hereby invested with the same power and authority that the general court and the Judges of the same, possessed and exercised under the late territorial government, so far as the same shall be consistent with the constitution of this state, and the provisions of the acts of the present general assembly.

Transfer of power and authority to the supreme court and the Judges thereof

§ 2. The several circuit courts of this state, and the Judges thereof, both in and out of court, shall be, and they are hereby invested with the same power and authority, that the circuit courts and the Judges of the same possessed and exercised under the late territorial government, *Provided* the same shall not contravene the provisions of the constitution of this state, and the acts of the present general assembly.

Investment of power and authority in the several circuit courts and Judges thereof in this state.

§ 3. The associate Judges of the circuit courts in each and every county shall have full cognizance of all matters relating to the probate of wills, letters testamentary, and letters of administration, and of the disposition of minors and

Associate Judges their power and duty.



When to hold their session.

Duty of the clerk of the circuit court  
 Repeal of the 4th & 5th sections of the act establishing circuit courts.  
 Revival of a section.  
 Governor to appoint clerks and judges in new counties *pro tem*.

decedents' estates, agreeably to the laws that now are, or that hereafter may be in force; and the said Judges shall have power, and are hereby authorised and required, in all such cases, to do and perform all the duties enjoined by law upon the associate Judges of the former circuit courts, and shall hold special sessions for that purpose at the seat of justice in each county, to commence on the Mondays immediately preceding the terms of the circuit courts in each and every county within the state; and the clerk of the circuit courts shall attend in person or by his deputy, as the clerk of the said sessions and record the proceedings according to law. That the fourth and fifth sections of the act entitled an act to amend the act entitled an act establishing circuit courts, approved December the eighteenth, one thousand eight hundred and fifteen, be, and the same are hereby repealed; and that the section repealed by the fifth section aforesaid, be, and the same is hereby revived.

§ 4 The Governor is hereby authorised to appoint some fit person in each and every new county, organized at the present session of the general assembly, to perform the duties enjoined on the clerks and Judges of the circuit courts in the other counties by an act of the present session of the general assembly entitled an act providing for the commissioning of sheriffs and coroners, and the persons so appointed, shall continue to perform the duties aforesaid, until the clerks and Judges of the circuit courts are elected, commissioned and qualified in the said new counties respectively.

This act shall take effect from and after its passage.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 3, 1817—APPROVED,

JONATHAN JENNINGS.

# CHAP. IV.

## AN ACT to regulate proceedings in suits at Law and in Chancery.

§ 1. BE it enacted by the General Assembly of the State of Indiana, That all laws authorising or requiring a rule docket to be kept in the clerk's office in the courts of this state, or which requires the taking of rules or steps in causes in clerks' offices on the rule days or on the rule docket, preparatory to the trial thereof, shall be and are hereby repealed.

Rule dockets dispensed with.

§ 2. It shall be the duty of the plaintiff or plaintiffs in all actions at common law, to file his or their declaration before the issuing of the original writ; but nevertheless, original writs and mesne process may be sued out previous to filing the declaration, subject to the regulations herein after mentioned.

Pl. intiff to file declaration previous to issuing writ.

§ 3. Original and mesne process against a defendant or defendants in actions at common law, shall be returnable to the first day of the term next after they issue.

Original & mesne process when returnable.

§ 4. Original and mesne process in chancery suits shall be returnable to the next succeeding term, unless they issue in term time, in which case they shall be made returnable to any day of that term.

Original and mesne process in chancery when returnable.

§ 5. If in any suit at common law, or in chancery the process shall not be returned executed on the return day, the clerk may issue an *alias*, *pluries* or other process without an order of the court therefor.

Clerk may issue an *alias*, *pluries*, &c.

§ 6. It shall be the duty of every sheriff or other officer who executes original or mesne process on a defendant, to insert in his return, the time of executing such process; but should he fail to return the time of executing such writ or process, it shall not impair the return if executed; but such sheriff or other officer shall be fined by the court to whom such process may be returnable for such failure, in any sum not exceeding

Sheriff or other officer to insert the time of executing process



ten dollars, on the motion of any person who may be party to the suit, such officer having had ten days notice of the time of making such motion; and such sheriff, or other officer, shall also be liable to the action of any person aggrieved by such failure.

§ 7. Where process requiring bail shall be executed, it shall not be necessary for the sheriff or other officer, executing such writ or process, to take any appearance bail bond, but in lieu thereof he shall take from the bail an endorsement on the process, shewing the name of the bail and for whom the bail was entered; which endorsement shall be signed by the bail, and be in substance as follows: I (or we) A, B, do hereby acknowledge myself, (or ourselves) special bail for the within named C, D, in the suit named in the within writ, witness my hand (or our hands) this day of A, B, which shall have the force of a recognizance of special bail, and as such shall be obligatory on the bail, their heirs, executors and administrators jointly and severally. The giving such bail shall not be considered an appearance in the suit.

§ 8. If the plaintiff or plaintiffs, shall not be satisfied with the sufficiency of the bail so taken, he may at the term to which the writ is returnable, or at the next term thereafter, if in the mean time final judgment be not given in the cause; object to the sufficiency of the bail: Provided notice of the objection be given to the officer to whom such writ was directed; and the court shall thereupon hear and determine the objections to the sufficiency of the bail as heretofore.

§ 9. *Provided however*, That if a notice for the purpose above mentioned shall be adjudged insufficient, the court when they determine its insufficiency, may allow the plaintiff until some day in the next term to give another notice, and make his objections to the bail: Provided in the mean time final judgment be not entered.

§ 10. If the bail be adjudged insufficient and other good bail approved of by the court be not entered, the bail so objected to, shall not thereby be discharged, and if the plaintiff shall proceed to judgment against the bail so adjudged insufficient, and the demand be not satisfied by the return of the first *scire facias* against the bail, the sheriff or other officer shall be liable to the plaintiff for the amount of his demand and all costs of suit; which may be recovered by action against the sheriff or other officer, or against him and his securities.

§ 11. It shall be the duty of every clerk within three weeks after the adjournment of his court at each term, to make out his docket for the succeeding term, and therein docket all suits brought which have not before been docketed; after which, he shall, on issuing every original writ returnable to the succeeding term, enter the suit on the docket for that term. In making out his docket he shall set as many suits for each day as in his opinion will best suit the business of the court.

§ 12. He shall, on the application of either party issue subpoenas for witnesses, as soon as the cause is docketed, except in those cases in which no declaration is filed, or in which the writ has not been issued ten days at least, previous to the return days thereof.

§ 13. All actions at common law shall stand for trial at the term to which the process is returned executed: *Provided however*, if it shall not appear by the return of the officer, that the process was executed ten days before the return day, the cause shall be continued until the next term, unless both parties consent to a trial.

§ 14. If the suit be brought previous to the filing of the declaration, the plaintiff or plaintiffs shall not have a right to demand a trial until the term succeeding the one in which the declaration may be filed. In suits thus brought, the plaintiff or plaintiffs, shall file a declaration on the calling

Sheriff failing to enter bail approved of shall become liable though the insufficient bail is not discharged.

Duty of the clerk. Shall make out his docket.

Clerk shall issue subpoenas for witnesses under certain restrictions.

When actions at common law shall stand for trial. *Provido*.

Suit brought previous to filing declaration, plaintiff shall not have right to trial. When plain-



tiff shall file his declaration. of the cause, or on failure, the suit may, for that cause be dismissed.

When defendant shall file his plea: § 15. The defendant or defendants shall file his, her, or their plea or pleas, on or before the day to which the cause is docketed at the first term at which the cause stands for trial; and on failure, shall not be thereafter permitted to file any plea to the jurisdiction of the court nor in abatement, nor to file a special demurrer to the declaration.

If plea be not filed, defendant shall plead plaintiff reply &c. And trial be had. On failure the court may enter judgment. Proviso. § 16. On the calling of a common law suit, if a plea or pleas have not been filed, the defendant or defendants shall plead, and the plaintiff or plaintiffs reply, and the defendant or defendants rejoin, and so on, until the issue or issues of law or fact be made up, and a trial shall thereupon be had; and if either party fail thus to complete the issue or issues, the court may enter judgment against him, her or them, for such failure: *Provided however*, That the court may, for good cause shewn, allow either party a further day in that, or the next succeeding term, to plead, reply, or the like, such party paying the costs occasioned by the postponement: *Provided however*, That nothing herein contained shall be construed to prevent either party from filing proper pleadings before the calling of the suit.

Court may give leave to amend declaration with exceptions. If matter of form no delay. If of substance party may plead or continue. § 17. The court may give leave to amend the declaration or other pleadings as heretofore, except that such amendment shall be filed immediately on obtaining leave to amend, unless the court for good cause give a further day. If the amendment be in matter of form, the trial shall not be delayed in consequence thereof; if it be in matter of substance, the opposite party may immediately answer thereto, upon which the suit shall proceed as if no amendment had been made; or he may, at his election, demand a continuance of the cause until the next term. The costs occasioned by amendment shall be paid by the party amending. If the plaintiff amend his declaration, the defendant or defendants may immediately demur thereto, for special cause,

although the time herein before mentioned for filing a special demurrer shall have elapsed; but if the defendant or defendants demand a postponement of the suit, on account of such amendment, he, she or they, shall not be permitted to file a special demurrer, or any dilatory plea to the amended declaration. ant may demur instant, but shall not file special demurrer.

§ 18. If in an action at common law, the plaintiff omit to take judgment against a defendant or defendants for failing to plead when by the foregoing provisions he might so take judgment, the defendant or defendants may, at any time before interlocutory judgment, plead any plea, the filing of which, is not by this act limited to the first term; and if the plaintiff or plaintiffs take an interlocutory judgment on account of such failure, and a writ of enquiry; but if the writ of enquiry be not executed, the court may, in their discretion, on motion of the defendant or defendants, at any time before the writ of enquiry be executed, set aside the interlocutory judgment and permit a plea or pleas to the merits to be filed; but where a plea or pleas are filed in either of the cases in this section mentioned, the plaintiff may wave his right of trial at that time, and have a general continuance of the cause. If plaintiff omit to take judgment. Defendant may plead before interlocutory judgment. Court may set aside interlocutory judgment permit plea to be filed. Plaintiff may wave his right to trial.

§ 19. In suits in chancery, the defendant or defendants, shall plead answer and demur, on or before the first day of the term next succeeding the one to which the process may be returned executed, and on the calling of the cause at such term, the complainant or complainants shall reply, and the defendant or defendants rejoin, and so on if necessary, until the issue or issues of law or fact be made up; and if either party fail thus to complete the issue or issues, the court may enter a decree against him, her or them for such failure: *Provided however*, That if the complainant or complainants shall be called on to answer interrogatories contained in an answer of a defendant or defendants, the cause shall be continued, unless the complainant or complainants voluntarily answer at that term; and in case a suit be thus Proceedings in chancery. When defendant shall answer &c. Court may enter a decree. Proviso When suits continued for answer to interrogatories



Answer to be filed.

If depositions are to be taken

When suit shall stand for trial.

Witnesses may be summoned.

If an issue of law be made up.

When argued

When complainant may take depositions.

When defendant may.

Court may order attachments.

When returnable

Exceptions to answers may be taken

And when

If plea be overruled

Court may appoint a time for party to answer

Pleadings &c may be lodged with the clerk in time of vacation

continued for an answer to interrogatories, the answers shall be filed on or before the first day of the next term; and the issue or issues shall be completed at such term. If the issue be made up by bill, answer and replication, or the like, whereby depositions are to be taken, the cause shall stand for trial at the term next after the issue is made up. If on a plea filed, an issue of fact be made up for trial by jury, the court shall appoint the time of trial; and witnesses may be summoned to appear at such trial, and be examined before the jury, under the same rules and regulations as at common law. If an issue of law be made up by demurrer, it shall stand for argument at the term at which it is made up.

§ 20. The complainant or complainants may proceed to take depositions one month after the defendant or defendants against whom the depositions are to be read are served with process, the defendant may proceed to take depositions one month after he files his answer.

21. Attachments for not answering, shall issue by order of the court only. They shall be returnable at such time as the court may order.

§ 22. Exceptions to an answer may be taken at any time before the answer be replied to. The exceptions shall stand for argument at the term at which they are taken, without waiting for a better answer.

§ 23. If a plea or demurrer be overruled in a case in which by the course of chancery practice, the party might thereafter answer; or if exceptions to an answer be adjudged insufficient, the court shall, in their discretion, considering the circumstances of the case, appoint a time in which the party shall file his answer; and on his failing to answer, may proceed as in a failure to answer in other cases, in the time directed by this act.

§ 24. In suits in chancery, either party may lodge his, her or their answer, replication or other pleadings with the clerk in vacation. But the opposite party shall not be bound to notice

such answer, replication, or other pleading as filed, until the same be entered in court.

§ 25. In suits in chancery, against absent defendants, orders requiring the appearance of the defendant or defendants, and a publication in a newspaper shall be had as heretofore; except that such order may be published in any public newspaper published weekly within the state, at the discretion of the court. The publication in a newspaper shall authorise the complainant or complainants to proceed in the same manner as if process were returned executed, to the term at which the defendant or defendants may by such publication be required to enter an appearance: *Provided however*, That such absent defendant or defendants shall be permitted to open a decree in such cases, in the same manner as if this act had not passed.

§ 26. If a plaintiff at law, or complainant in chancery, shall, on the calling of his cause, fail to prosecute it, and the defendant shall also fail to appear, the court may in their discretion, either enter a nonsuit against the plaintiff or complainant or continue the cause.

§ 27. If from any cause the issue or issues be not made up at the time herein prescribed, the court shall possess the like power at each subsequent calling of the suit, until the issue or issues be completed to compel the parties to complete them.

§ 28. The clerk shall endorse on all answers, pleas and other pleadings in suits at common law and in chancery, the time when filed, and shall enter on the order book in court, that such answer, plea, or other pleading has been filed; but it shall not be necessary to copy any answer, plea or pleading on the order book.

§ 29. Nothing herein contained shall be so construed as to prevent the court from continuing a cause at any stage for good cause shewn; nor shall any thing herein contained, be construed to prevent the court from giving either party in suits at common law or in chancery, a further day up-

Proceedings against absent defendants.

Court may enter a non suit or continue

At each calling of the suit court may compel the party to make up issue

Clerk shall endorse the time of filing pleas answers &c

Court may continue cause at any stage for good cause.



on good cause shewn, and at the costs of the applicant, to file a declaration, plea, answer or other pleading: *Provided* such leave doth not contravene the provisions of the fifteenth, seventeenth and eighteenth sections of this act.

Rule for declarations answers &c.  
Not necessary.  
Proceedings on petition & summons as heretofore.

§ 30. Nothing herein contained shall be so construed as to require any rule for a declaration, plea, answer or the like; but judgments or decrees may be entered for a failure as is herein before prescribed without any such rule: Neither shall any thing herein contained, be construed to affect or alter the proceedings in suits by petition and summons, nor to alter the proceedings or evidence on motions, to dissolve injunctions, or to discharge *ne exeat*.

Original process sheriffs to endorse thereon.

§ 31. *Be it further enacted*, That it shall be the duty of the sheriff or other officer, whenever hereafter original process comes into his or their hands, to endorse upon the process the time of its reception.

Clerk shall transfer suits from the rule to issue docket.

§ 32. Within twenty days after this act shall take effect, all rules, actions, and motions on the respective rule dockets in each and every county within this state, shall be by the clerks of the circuit courts transferred to the issue docket; and the circuit courts may respectively take any steps at their first term to be holden in each and every county, in the causes so transferred, preparatory to their trial, as shall seem just and equitable; but shall not proceed to try them at such term, unless by consent; except such of them as would have been regularly upon the issue docket independent of this act; or where the plaintiff or plaintiffs shall file his, her or their declaration and give ten days notice to the defendant or defendants in writing, of having filed his her or their plea or pleas. But all such causes shall, after the first term, be proceeded upon, as if they had been brought under this act.

Justices of peace power as to taking depositions.

§ 33. In all suits at common law and chancery, one justice of the peace shall have full power and authority to take any deposition or depositions

to be read as evidence in any such suit or suits within this state.

§ 34. That a *dedimus potestatem*, issuing from the court authorising the taking of such deposition or depositions, shall not be necessary; but all the justices of the peace of this state in virtue of their office, are hereby invested with complete and full power and authority to take such deposition or depositions, any law, usage or custom to the contrary notwithstanding. That when any *dedimus potestatem* shall issue from any court of record within this state under the seal of the said court, directed to any justice of the peace without the limits of the state, requiring such justice to cause to come before him, any person or persons, for the purpose of taking his, her, or their deposition or depositions to be read as evidence in any cause depending in any of the courts aforesaid, the certificate of said justice, certifying himself to be such, shall be a sufficient authentication to entitle the party to the benefit of the same, provided it shall have been in all other respects legally taken.

*Dedimus potestatem* not necessary.

Justices of peace their powers.

Certificate of justice sufficient evidence of his authority.

§ 35. *And be it further enacted*, That so much of the law now in force in this state, as authorises the plaintiff or plaintiffs, on the calling of any suit or suits in any court, to place or put the same at the foot of the docket, be, and the same is hereby repealed.

Repealing section.

§ 36. *And be it further enacted*, That from and after the passage of this act, the defendant or defendants, in any suit or action in any court of record within this state, shall have the right when any judgment or judgments may be entered against him, her or them in any such court, whether the same be by confession, or otherwise, to replevy the same, upon the record at any time after judgment, and before the issuing of execution thereon, by producing good and sufficient security to be approved of by the court, in term time, or any judge, or the clerk of said court in vacation; that in either case it shall be the duty of the clerk to make the following entry upon the

The defendant may replevy on the record by giving security.

Clerk shall make entry and form thereof.



record, (to wit,) A. B. is or are (as the case may be) security for C. D. (or as the case may be) for the payment of the above judgment, interest and costs at the expiration of five months from and after this date      day of

which said entry shall have the force and effect of a replevin bond; that if the said judgment and every part thereof shall not be paid and satisfied, at the expiration of the time therein mentioned, the said clerk shall be, and he is hereby required, on application of the plaintiff or plaintiffs, or other person owning such judgment, to issue execution against such principal or principals and his security or securities in all respects as if a replevin bond had been taken for the same: *Provided however* That nothing herein contained shall be so construed as to prevent any person or persons from replevying any judgment after execution may or shall issue as heretofore.

Judgment may be replevied after execution as before.

Court shall appoint return days of execution.

§ 37. *And be it further enacted*, That it shall be the duty of every circuit court within this state, and of the supreme court, respectively to appoint by a rule of court, some day in each month as general return days of executions.

Each party may challenge their jurors without shewing cause.

§ 38. *And be it further enacted*, That from and after the passage of this act, in all suits, actions, causes and prosecutions which shall or may be tried in any court of record within this state, each party shall have the right of challenging three jurors without shewing any cause therefor: *Provided however*, That nothing herein contained shall be so construed as to extend or abridge the right of peremptory challenge in cases made capital by the laws of this state.

Repealing clause.

All laws and parts of laws coming within the purview of this act, shall be, and the same are hereby repealed.

This act to take effect and be in force from and after the first day of February, one thousand eight hundred and seventeen. Commencement of the act.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 1, 1817—APPROVED,

JONATHAN JENNINGS.

## CHAP. V.

*AN ACT regulating the jurisdiction and duties of Justices of the Peace.*

§ 1. *BE it enacted by the General Assembly of the State of Indiana*, That the jurisdiction of justices of the peace in criminal cases within this state shall be coextensive with the limits of the counties where they may be respectively chosen and reside, and they shall be conservators of the peace throughout the same, and each justice of the peace is authorised and required, on view, or complaints made on oath, to cause any person charged with a crime, or breach of the penal laws of this state to be arrested and brought before him or some other justice of the peace in said county; and such person to commit, discharge or let to bail, as the nature of the case may require, and recognize such witness as the nature of the offence may require, conditioned that such witness shall attend on the first day of the court to be holden in the county before whom the offence is to be tried, to give testimony and not depart the court without leave thereof; and all recognizances thus taken shall be returned by the justice taking the same into said courts in person, or be transmitted by him to the prosecuting attorney,

Jurisdiction of J. P. in criminal cases extensive with the limits of the county.

When arrest for breach of the peace.

Recognizance of witness.



or to the clerk of the proper court at as early a time as may be convenient before the sitting of such court.

§ 2. *Be it further enacted*, That the following forms shall be pursued, and adopted by the justice of the peace, as nearly as the nature of the case will admit of in all criminal proceedings.

*Form of an affidavit, on which to issue a state warrant.*

STATE OF INDIANA County set.  
Before me A. B. one of the justices of the peace for \_\_\_\_\_ county, personally came C. D. who being duly sworn according to law, deposeth and saith that on \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ (here describe the crime or offence) was perpetrated on the body or goods (as the case may be) of E. F. of \_\_\_\_\_ by a certain G. H. late of \_\_\_\_\_ (or thus) and that he verily believes that a certain G. H. late of \_\_\_\_\_ is guilty of the fact, or that he has been aiding and assisting in the commission thereof; further this deponent saith not. C. D.

Sworn and subscribed before me at A. B.

*Warrant for an assault.*

STATE OF INDIANA County Set.

To any constable of \_\_\_\_\_ County greeting:

Whereas complaint has been made before me one of the justices of the peace in and for the county aforesaid upon the oath of C. D., of \_\_\_\_\_ that E. F. of \_\_\_\_\_ aforesaid did on the \_\_\_\_\_ day of \_\_\_\_\_ violently assault and beat him the said C. D., at \_\_\_\_\_ in the county aforesaid. These are therefore in the name of the state of Indiana to command you that you take the said E. F. if he be found in your county or jurisdiction, and him safely keep, so that you have his body forthwith before me or some other justice of the peace of said county to answer unto the said complaint and further to be dealt with according to law.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ A. B. J. P. (Seal)

*Form of a search warrant.*

The State of Indiana \_\_\_\_\_ county, set.

To any constable in the county aforesaid, greeting Whereas it appears to me A. B. one of the justices of the county aforesaid, that the following goods and chattles (here describe the goods property or articles) have within \_\_\_\_\_ days last past by some person or persons unknown, been feloniously taken, stolen and carried away out of the house or from the premises of C. D. of the county aforesaid, and that the said C. D. doth on oath (or affirmation as the case may be) declare that he verily believes that the said goods or a part thereof, are concealed in the dwelling house or out house of E. F. at \_\_\_\_\_ in said county: These are therefore in the name of the state of Indiana, to authorize and require you, with the necessary and proper assistance to enter in the day time into the said house of the said E. F. at \_\_\_\_\_ aforesaid, and there diligently to search for the said goods and chattles, and if the same or any part thereof be found upon such search, that you bring the goods so found; and also the body of the said E. F. forthwith before me or some other justice of the peace for said county to be disposed of and dealt with according to law, given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

A. B. J. P. (Seal.)

*Form of a Warrant for the peace or good behaviour.*

State of Indiana, \_\_\_\_\_ county, Set.

To any constable of \_\_\_\_\_ county, Greeting:

Whereas A. K. of \_\_\_\_\_ hath this day made oath before me, that he hath been threatened by C. D. of \_\_\_\_\_ and is afraid that the said C. D. will beat or wound him, he being in fear of his life, whereupon he hath prayed surety of the peace against him: These are therefore in the name and by the authority of the state of Indiana, to command you to apprehend the said C. D. and bring him forthwith before me or some other justice of the peace within and for



said county, to find surety for his personal appearance at the next circuit court to be holden for said county and in the mean time to keep the peace especially towards the said A. K.

Given under my hand and seal this  
day of 18

A. B. J. P. (Seal)

*Form of a Recognizance.*

*State of Indiana* county, *Sct.*

BE it remembered that on the day of  
in the year A. B. and

E. F. personally came before me one of the justices of the peace for said county and severally acknowledge themselves to owe to the state of Indiana dollars each to be levied on their respective goods and chattles, lands and tenements to the use of the said state if default be made in the condition following, to wit: The condition of this recognizance is such that if the above bound A. B. shall personally appear at the next circuit court to be holden for said county, then and there to answer what at that time what shall be objected against him and abide the judgment, and not depart without leave, then this recognizance to be void and of none effect, otherwise to remain in full force and virtue in law: (or if the recognizance shall be to compel the attendance of witnesses on behalf of the state, the condition should run thus:) The condition of this recognizance is such that if the aforesaid A. B. shall personally appear at the next circuit court, to be holden within and for said county on the first day of the term to give testimony on behalf of the state, and the truth to say on such matters as shall be then and there required of him or her and not depart thence without leave, then &c.  
Taken and acknowledge at in the year  
18

*Form of a Subpœna.*

*The state of Indiana* county, *Sct.*

To any constable of county, Greeting:  
You are hereby commanded to summons

to appear before me at  
forthwith and then to give testimony  
and the truth to say of and concerning a complaint made on behalf of the state against

who is charged with (here describe the offence) thereof, you are in no wise to fail under the penalty of one hundred dollars, and have then there this writ. Given under my hand and seal  
this day of 18

(Seal)

*Form of a Mittimus.*

*The state of Indiana* county, *Sct.*

To the keeper of the jail of the county aforesaid, Greeting:

Whereas A. C. late in said county has been arrested by the constable of township in said county (here give such description of the crime or offence as will best suit the nature of the case and agree with the facts) therefore, on behalf of the state of Indiana, I command you that you receive the said A. C. into your custody into the jail of the county aforesaid there to remain until he be discharged by due course of law. Given under my hand and seal  
this day of 18

(Seal.)

§ 3. That if any person or persons shall challenge another to fight at fisticuffs or with cudgels, or shall endeavour to provoke any person or persons, to commit an affray or breach of the peace every person or persons so offending, shall on conviction thereof forfeit and pay for every such offence, a sum not exceeding three dollars nor less than one dollar to be collected as other fines are, and every justice of the peace of the proper county where the offence shall have been committed shall have cognizance thereof: *Provided however,* that such prosecution be commenced within ten days from the time the offence shall have been committed and all fines and penalties imposed by the provisions of this section shall be paid into the county treasury where the offence was committed for the use of the county seminary within sixty

Provocation  
to commit an  
affray or  
breach of the  
peace.

Penalty.

Prosecution  
when commenced.  
To what use  
fines appropriated.



days after the same shall have been collected, and if any justice shall fail to pay over such money as aforesaid, the treasurer of the proper county shall sue for the same and recover of the said justice in an action of debt or damages, with twenty five per cent. damages thereon for the use of the county seminary: *Provided*, That nothing in this section shall be construed to extend to any case where an action of assault or battery shall have been actually committed.

Proviso.

Constable officer of justices court his power and duty.

§ 4. That the constables of the proper township shall be the ministerial officers of the courts held by justices of the peace of their proper townships, and it is hereby made the duty of the constables to apprehend and bring to justice felons and disturbers of the peace, to suppress riots, and to keep and preserve the peace in their respective townships, and the limits of constables in the service of process, in criminal cases, shall be co-extensive with the county in which they shall have been elected or appointed and reside, and in criminal cases, where persons are making their escape from justice, they are by this act empowered and authorised to pursue after and take such absconding person in any county within this state, and in serving subpoenas for witnesses their jurisdiction shall extend throughout their respective counties only, and they shall moreover serve such legal process in civil cases, as may be by the justices of the peace to them directed, and govern themselves therein agreeably to the provisions of this act, and to do and perform such other services as may be directed by law, and every constable within ten days after his election or appointment and before he enters upon the duties of his office shall appear before the clerk of the circuit court of the proper county and give bond with one or more good sufficient sureties resident in the township wherein he may be elected or appointed and such as the said clerk shall approve, in any sum not exceeding one thousand dollars nor less than five hundred, payable to the county treasurer condi-

Constable must give bond.

tioned for the faithful discharge of the duties of his office, and the said clerk shall make an entry of such bond and file the same in his office.

§ 5. That the power of justices of the peace in this state shall be co-extensive with the township in of J. P. in civil cases.

which they may be respectively elected and reside, and their jurisdiction, in such cases, shall extend under the restrictions and limitations hereinafter provided to any sum not exceeding fifty dollars: *Provided*, Any justice of the peace may

grant subpoenas for witnesses, for either party concerned in the cause pending; but such party shall not be allowed fees for travelling or serving the same, if performed by himself, and the power of justices of the peace shall be co-extensive with the county to summon witnesses: *Provided also*,

Subpoenas.

That in any case if any person or persons shall voluntarily appear before a justice of the peace and confess a judgment, in such case the jurisdiction of the justice of the peace shall extend to one hundred dollars from which judgment there shall be no appeal: *Provided however*, That any creditor or creditors of the person or persons confessing judgment as aforesaid may within any time after such confession of judgment and before the issuing execution, thereon prove before the justice who may enter up such judgment of confession, the want of consideration, whereon to form such a judgment, or that such judgment was confessed with a view or design, to defraud some creditor or creditors of his, her or their just demand, in that case the judgment so as aforesaid confessed shall be of no validity or effect in law or equity, and the person confessing such judgment as well as him, her or them in whose favour, such judgment shall have been confessed, shall upon conviction thereof in any court having competent jurisdiction by indictment or presentment, be fined in any sum not exceeding the amount of the judgment so as aforesaid confessed.

Confession of judgment.

In case of fraud such confession is nullity.

When confessor and confessee liable to indictment

§ 6. That every justice of the peace shall keep a docket, in which he shall make fair and accurate entries of all actions and suits instituted before

Docket how kept.



Copy of proceedings when to be given.

Summons to issue against householder.

Requisites of summons.

Constable to endorse &c. Suit may be continued when service of process is made by leaving a copy.

In what case a warrant may be issued.

him with his proceedings thereon; and if either of the parties require a copy of the proceedings the justice shall furnish the same.

§ 7. Where the defendant is a householder within the township, and reside within the same a summons shall be the first process to be issued by virtue of this act, on which summons the justice shall endorse the precise sum demanded by the plaintiff together with the cost that have accrued, and the summons to be issued as aforesaid, shall specify a certain time not less than three nor more than twelve days from the date of such process, and also a certain place at which the defendant is to appear and shall be served at least three days before the time of such appearance, by reading the same to the defendant, or by serving him or her with a copy thereof if required; but if he or she cannot be found, by leaving a copy at his or her house or place of abode in presence of some person of the family of the age of fourteen years and upwards, who shall be informed of the contents thereof; and the constable serving such summons, shall endorse thereupon the time and manner of such service, and shall subscribe his name thereto: and in all cases where service of process is made by leaving a copy at the defendant's house or place of abode, it shall be lawful for the justice of the peace to continue the cause from time to time until the defendant shall have returned to his home, and receive notice of the tendency of such suit, and such continuance shall rest in the sound discretion of the justice of the peace taking into view the circumstances of the case: *Provided* That in all cases where it shall be sufficiently proven on oath or affirmation of any person to the satisfaction of the justice that the plaintiff will be in danger of losing his or her demand unless the defendant be arrested, it shall be the duty of the Justice to issue a warrant in nature of a *capias* which shall be proceeded in as hereinafter provided: *Provided also*, That where the plaintiff lives out of the county or township, &

his demand is on bond, promissory note, or bill, sent to any justice of the peace for collection, in that case it shall be discretionary with the justice to determine the most proper precept to secure the debt to the plaintiff, any thing herein contained to the contrary notwithstanding: *Provided also*, That no person shall be bound to answer unto any summons, or warrant in civil cases issued by a justice of the peace in any other township, except in the township in which such defendant actually resides, or where the debt was contracted or the cause of action arose, or where the defendant may be found, unless there is no justice of the peace within said township who can legally issue said summons or warrant.

§ 8 That a warrant in nature of a *capias ad respondendum* shall be the proper process under this act in all cases where the defendant is not a resident and householder of the county where such process shall be issued, upon which the justice shall endorse the precise sum demanded together with the costs that have accrued, and the said warrant shall be made returnable forthwith, after the service thereof, and the constable serving or executing the same shall according to the command thereof, forthwith convey the defendant before the justice who issued the same, and the said justice shall thereupon either cause the said defendant to give bail for his, her or their appearing and abiding the event of said suit or on neglect or refusal to give such bail shall order the constable to convey him or her to the jail of the county, there to be kept in custody until the time appointed for the trial of the cause, which shall not exceed three days from the day of the return of the warrant, or the justice may direct the constable to hold the defendant in his custody until the plaintiff shall have notice and time to attend and proceed to trial, and the constable who serves such warrant shall endorse thereon the execution thereof and sign his name thereto.

§ 9. That the recognizance of bail to be taken Form of re-

F

How justice is to proceed when plaintiff lives out of the county or township. Where the venue.

In what cases a warrant shall be issued.

Requisite of warrants.

The defendant failing to give bail shall be committed to jail.



recognizance. as is above provided, shall be in the following form to wit:

county township, sct.  
Whereas, A. B. hath been arrested, and is in custody at the suit of C. D. in an action of for the sum of now therefore you O. P. do acknowledge yourself special bail in the said action in the sum of to be levied on your goods and chattels, lands and tenements, and for want thereof upon your body, if default be made in the condition of your recognizance; which condition is, that the said A. B. shall be and appear before and if judgment be given against him or her, that he or she shall pay the cost and condemnation money or render his or her body in execution, acknowledged before me at 18 which recognizance shall remain with such justice for the benefit of the plaintiff in the suit; and if the defendant does not appear after such recognizance entered into at the time and place specified in such recognizance, and no sufficient reason be assigned to said justice why he or she does not appear, then the said justice may proceed to hear and determine the cause in the absence of such defendant; and when the parties to any suit to be instituted by this act, shall appear at the time and place appointed for trial the said justice shall proceed to hear and examine such allegation and proofs, and shall thereupon give judgment with costs of suit according to law and equity, unless he shall think it proper on the application of either party to adjourn the trial, which adjournment shall not be for a longer time than twenty days: *Provided*, That if either party, or a material witness shall live in another state or county, the party may on good cause shewn by affidavit or otherwise have the trial of the cause postponed for any term not exceeding two months.

§ 10. If on the return of any summons or capias before any justice of the peace, the defendant or defendants shall make oath before the Justice before whom such summons or capias shall be made returnable, or any other justice in said town-

When defendant does not appear judgment by default.

When and how long justice may continue the cause.

ship, a certified copy of which oath shall be filed with the justice who issued such summons or capias, before the same shall be called for trial, such justice shall grant a change of venue, before any other justice in the proper township; and if there be no other justice in the township who is disinterested to the parties named in such summons or capias, it shall be lawful for such justice to grant such change of venue to any justice of the peace in an adjoining township who may be disinterested to the parties, and the same proceedings shall be had thereon as if the same had been made returnable before him in the first instance.

§ 11. When the parties agree to enter without process, before any justice of the peace, any action herein made cognizable before him, such justice shall enter the same on his docket and proceed to judgment and execution in the same manner as if a summons or warrant had been issued, served and returned: And in all other actions instituted by virtue of the provisions of this act, where the plaintiff does not appear by himself or agent, and it being made to appear that he was informed of the day of trial, and if his claim shall not be established by testimony either oral or written, the justice shall enter judgment against him for the cost, provided the plaintiff shall not thereby be debared from renewing the action; but if it should be made to appear that his non attendance was owing to the default of the constable in not giving him notice, the justice shall postpone the trial to a day certain, and the constable shall be liable for the attendance of the defendant, and also give notice to the plaintiff, or his or her agent to attend, if he or she resides within the county.

§ 12. If in any cause instituted under the provisions of this act, it shall appear at the trial thereof, that there is a balance due to the defendant from the plaintiff, the justice shall enter up judgment against the plaintiff in favour of the defendant for the sum so appearing to be due, with costs of suit; and such defendant shall be judgment

Change of venue when the justice is interested.

Trial by consent of parties.

Judgment against the plaintiff for costs. When.

When judgment by default set aside & cause open for trial.

When the constable fails to give notice to the defendant.

When the defendant's account exceed the amount of the plaintiff's judgment.



entitled to execution in the same manner as if such defendant had been plaintiff in the cause.

If defendant neglect to appear plaintiff to have judgment  
 § 13. If any defendant should not appear by himself, herself or agent at the time and place appointed for trial, having had lawful notice given and no just cause be shewn for his or her non attendance, the justice may at the request of the plaintiff, hear and determine the cause and enter judgment.

When a new trial may be had  
 § 14. When judgment has been entered against the defendant in his absence, if he appear before execution is issued, and pay the cost, and request the judgment to be opened, the justice shall grant a new trial and appoint a day therefor, of which the defendant shall notify the plaintiff at least six days prior to the day appointed: *Provided*, that stay of execution shall only be prolonged from the date of the former judgment.

Proviso  
 When justices of an adjoining township have jurisdiction  
 § 15. Where there is no justice of the peace resident in the proper township, or the justice shall be father, son or brother to either the plaintiff or defendant, then the justice who is nearest and most convenient in an adjoining township who is not interested or father, son or brother to either party, shall have full and complete jurisdiction of any such cause or action.

Arbitrators how chosen  
 § 16. At any time before judgment is entered the plaintiff and defendant agreeing thereto may have the cause submitted to three disinterested men who shall be chosen by the plaintiff and defendant as arbitrators, and if they be present they shall hear and determine the cause on oath or affirmation which shall be administered by the justice; but if the arbitrators chosen be not present, the justice shall issue subpoenas for them to attend at a certain time and place fixed upon, which shall be served by the constable or parties, as they may agree; and when the arbitrators are met and qualified, they shall hear and determine the cause, make out and sign the same, and make return thereof to the justice who shall enter the same on his docket, and thereon render judgment, which judgment rendered on such a-

How they are to proceed

... be conclusive both to the plaintiff and defendant, unless it shall appear to the circuit court on an appeal, or to the justice of the peace who rendered such judgment and within ten days after the rendition of the same, that such award was obtained by fraud, corruption or other undue means; and whenever satisfactory proof thereof shall be adduced before such justice within the period aforesaid; it shall be lawful for such justice to open his judgment and set such award aside, and thereupon proceed to such final trial and judgment as if such award had never been made: And all arbitrators acting under the provisions of this section shall be entitled to fifty cents per day for their services, and the same shall be taxed and collected as other cost are.

§ 17. If upon an appeal from a judgment of a justice of the peace rendered upon an award, according to the provisions of the preceding section, the circuit court shall be satisfied that such award was obtained by fraud, corruption or other undue means, they shall order such award to be vacated and proceed to hear and determine the cause upon its merits as in other cases of appeal; and if upon appeal as aforesaid, it shall not appear to the court that the award was obtained by fraud, corruption or other undue means, they shall proceed to final judgment in such manner as the justice of the peace ought to have done.

§ 18. If any person or persons shall conceive himself, herself or themselves aggrieved by any judgment of a justice of the peace, where such judgment shall exceed the sum of three dollars exclusive of interest thereon and cost of suit; it shall be lawful for any such person or persons, on paying all legal costs which shall have accrued previous to such appeal, to appeal to the circuit court at any time within thirty days after the rendition of such judgment, by entering into a recognizance with at least one sufficient surety in the full amount of the debt and cost that may accrue in the circuit court, which recognizance shall be taken by the justice, and it shall be the duty of

Award of arbitrators final unless obtained by fraud &c

Their compensation

C. C. may vacate the award in case of fraud &c

An appeal to the C. C. may be had in 30 days from rendition of judgment.



A transcript of judgment entered in clerk's office of C. C. a supersedeas to execution

Plaintiff below plaintiff above.

When appellant fails to enter appeal how appellee is to proceed

When clerk of C. C. to issue supersedeas.

the justice of the peace, if execution has issued to recall the same, and thereupon the justice who gave such judgment shall send a transcript thereof to the clerk of the circuit court of the county in which such appeal is made, on or before the first day of the term next to be holden following such appeal, and all further proceedings before such justice shall be stayed from the time of entering such appeal; and the person or persons so appealing shall cause an entry of the appeal to be made with the clerk of the circuit court; and the plaintiff in the suit below shall be plaintiff in the court above; and after such entry shall be made the parties shall proceed in all respects in the same manner as though the suit had been originally instituted in said court, and reference shall be had to the proceedings before the justice no further than to include in the judgment to be rendered the cost taxed by said justice: *Provided*, That if the appellant shall fail or neglect to enter the appeal within the time provided for in this section, the clerk of the circuit court (on application of the appellee) shall certify accordingly, and such certificate being lodged with the justice of the peace who gave such judgment shall be sufficient authority for him to issue execution on such judgment in the same manner as if no appeal had been taken: *Provided also*, if the person or persons in whose favour judgment shall have been rendered, shall appeal, and shall not recover more than was recovered before the justice, in such case the appellant shall pay the cost accruing on such appeal: *Provided further*, That where the appellant executes a recognizance to be taken by the justice and files the same in the office of the clerk of the circuit court with security as is required in this section, the clerk of the circuit court shall issue a supersedeas staying all further proceedings on the judgment so appealed from, until a decision in the circuit court may be had thereon, and upon the receipt of such process the officer having any execution relative to such judgment shall stay all further proceeding.

§ 19 If any person against whom judgment is entered for any sum, shall enter such bail as shall be deemed sufficient security for the amount of said judgment, interest and costs, and shall have the same entered on the docket of the justice who gave such judgment, such person shall have stay of execution if the sum shall not exceed six dollars, thirty days; if over six and not exceeding twelve dollars, sixty days; if over twelve and not exceeding twenty dollars, ninety days; if over twenty and not exceeding thirty dollars, one hundred and twenty days; if over thirty, and not exceeding forty dollars, one hundred and fifty days; if over forty, and not exceeding fifty dollars, one hundred and eighty days: And if the person against whom judgment was rendered shall refuse or neglect to enter such bail, or shall fail to pay to the person or persons recovering such judgment, or his agent, the full amount of debt together with the costs of suit, it shall be the duty of the justice who gave such judgment, on request of the party recovering the judgment, or his agent to grant execution thereon returnable to such justice within thirty days thereafter, *commanding* the constable to levy and make the debt and damages and costs out of the goods and chattles of the party against whom the judgment was rendered; and if for want of such property whereon to levy and make the same, to take the body of such party and convey him, her or them to the jail of the county, (*Provided*, that if the defendant shall enter sufficient bail for the stay of execution within ten days or previous to the sale of property taken as aforesaid, the justice shall recall the same) and the sheriff or keeper of such jail, is hereby required to receive the person or persons so taken in execution, and him, her or them safely to keep, until the sum so recovered and the costs of suit be fully paid, or he, she or they be otherwise legally discharged; and in default of such keeping, the said sheriff or jailor shall be answerable to the party aggrieved, who shall have the same remedy against him as

When stay of execution

When execution shall issue

Provided

Duty of the sheriff relative to keeping the debtor.



Notice of sale  
how given

Proceedings  
against bail,

is provided by the law in cases of escape: And all property sold by execution, shall be advertised by the constable at three of the most public places in the township where the same was executed at least ten days previous to the day of sale: *Provided always*, That where bail is entered for the payment of the debt and costs, the first process shall be an execution against the goods and chattels of the defendant, and if goods and chattels cannot be found of the defendant sufficient to satisfy the execution, and a return be made thereof by the constable, the justice, if required by the plaintiff, his, her or their agent, shall issue a *scire facias* against the bail, and the same shall be served and returned by the constable in the same manner as summonses are served and returned, and upon return thereof the justice shall, unless good cause shewn, enter judgment, and forthwith after demand, issue execution against the bail for the amount of such judgment and costs, or such part thereof as shall remain unsatisfied, or to be returned in the same manner as executions are in other cases.

How bail are  
to proceed  
when apprehensive of  
insolvency of  
principal

§ 20. Where any person or persons shall enter security upon the docket of any justice of the peace for stay of execution, according to the provisions of the foregoing section, if such security shall become apprehensive that by delaying execution until the full term of the stay of the execution has expired, such security or securities may be compelled to pay the judgment, such security or securities may go before the justice of the peace upon whose docket he or they stand as security, and make and file an affidavit that he or they are apprehensive of being compelled to pay the judgment in case execution be further delayed, and thereupon, at the request of such security or securities, such justice shall issue an execution against the principal debtor or debtors, which shall be proceeded in, as in other cases.

Proviso for  
further secu-

*Provided*. That if within ten days after the levying such execution, the principal debtor or debtors shall give additional security to the satisfac-

tion of the justice for the stay of execution for the time not expired, and shall pay the cost of such execution, the execution shall be taken back and stayed, and all subsequent proceedings shall be the same as though no such execution had issued, except, that in proceedings against such security or securities a *scire facias* shall be issued against the person or persons last entering security, in the first place, and no *scire facias* shall be had against the first security or securities unless the last prove insolvent.

§ 21. Whenever judgment shall be obtained against any person who shall have entered himself bail on the docket of any justice of the peace, agreeably to the nineteenth section of this act, the original judgment for stay of execution on which such person was entered bail, shall remain good and valid in law, for the use of such bail, who may at any time thereafter sue out execution on such judgment against the goods, chattels and body of the defendant for the use of such bail, which shall be so endorsed by the justice, and such bail shall also be entitled to a transcript of such judgment for his own use, which shall have the same force and effect as transcripts in other cases.

§ 22. In all cases where execution shall issue on judgments rendered against any person or persons, and goods and chattels cannot be found to discharge the same, in case it shall be made known to the justice who issued such execution, that the person is possessed of lands and tenements, the justice shall on application of the person, or his, her or their agent that recovered such judgment, forward a transcript of such judgment to the clerk of the circuit court, and the clerk shall file the said transcript in his office, and shall issue a *scire facias* against such person to appear at the next term of the circuit court, and shew cause why execution should not issue, and in case such person neglects to attend, or does not shew cause to the satisfaction of the court why execu-

Bail may  
have execu-  
tion against  
principal

For want of  
personal prop-  
erty how ex-  
ecution may  
issue against  
real estate.



tion should not issue, the court shall direct execution against the goods and chattels, lands and tenements of such person in the same manner as though judgment was obtained in such court.

Non resident  
to give securi-  
ty for costs

§ 23. In all cases where the plaintiff shall not reside within the county in which he intends to bring suit, the justice before whom he intends to have the same entered, may, previous to his issuing process or entering the same, cause such plaintiff to enter sufficient bail, resident within his proper county, conditioned for the payment of all costs which may accrue upon such suit, which bail shall be by such justice entered on his docket and signed by the bail, which bail shall be accountable for all such costs.

Proceedings  
against con-  
stables in cer-  
tain cases

§ 24. In case the constable fails to make return as provided by this act, or makes false return, the justice shall, on application of the person or persons in whose favor execution is issued, his, her or their agent, issue a *scire facias* against said constable, directed to any person he may think proper, and who will serve the same, commanding said constable to appear before him, to shew cause why execution should not issue against him, and if the constable either neglects to appear within four days, or does not shew proper cause why execution should not issue against him, then the justice shall enter judgment against such constable for the amount of said execution, together with costs, for which judgment there shall be no stay of execution, for the amount of such judgment; and such execution may be directed to any person the justice may think proper, and who will serve the same, who shall collect the amount of said execution in the same manner as the constables by this act are authorised and bound to do, together with such costs as constables receive for similar services.

When justice  
may appoint  
a constable

§ 25. In all cases, where there is no constable in any township in this state, or in the absence of the constable or constables of the township, it shall be the duty of any justice of the peace, in case it be necessary that the process

should be served, either in criminal or civil cases, to appoint a person willing to serve as constable till the return of him whose duty it is to serve process when present, and the person so appointed as constable, shall have the same authority as any other constable, without giving the security necessary in other cases, but such justice shall stand as security, and he shall be liable for neglect of duty or illegal proceedings, and shall receive the same fees and compensation as constables are entitled to by law for similar services, and shall act until the vacancy be again supplied.

§ 26. It shall be the duty of all constables to pay over to the justice from whom the execution or executions issued, all monies by them collected, or produce to the justice a receipt from the plaintiff, or the person in whose favor the execution issued or his agent, for the amount of such execution or executions within six days after collecting the same; and every justice of the peace shall give his receipt for any money by him received in his official capacity, to the person from whom he shall have received the same if required.

To whom  
constable is to  
pay over mo-  
ney collected  
by him

§ 27. It is hereby made the duty of justices of the peace to receive from the constables all monies by them collected, and pay the same over to the person or persons entitled thereto; also, all monies by them collected without execution, or received for the use of any person or persons in their official capacity; and if any justice shall fail to pay over any money by him so collected or received, when thereto demanded, at the office of said justice, he being present, by the person or persons entitled to the same, or by his, her or their agent, it shall be lawful for such person or persons aforesaid, to complain to some justice of the peace of that township in which the delinquent justice acts, if any there be, and if no justice resides in the township capable of acting, then to some justice of an adjoining township, whose duty it shall be immediately to issue his summons to the constable of his township, com-

When justi-  
ces shall fail  
to pay over  
money.



manding him to summons such delinquent justice forthwith to appear before him, and shew cause, if any there be, why judgment should not be rendered against him for the amount of money by him so collected, and not paid over; and if said delinquent justice shall not shew good cause the justice issuing the summons shall render judgment against him for the amount of money so collected, and not paid over together with ten per centum damages thereon, and in which case there shall be no stay of execution.

In what case an alias execution.

§ 28. In all cases where the constable shall make it appear to the satisfaction of the justice that he has been deprived of an opportunity of levying any execution directed to him, within the time prescribed by this act, or otherwise prevented from making the whole of the money therein required to be made and make a return to the justice who issued the same to that effect, such justice is hereby authorised and required to issue another execution, if thereunto required, for the balance or the whole of the execution remaining unsatisfied, which shall be served and returned in all respects as other executions are under this act.

Witness failing to obey subpoena

§ 29. When any person or persons shall be lawfully subpoenaed to attend and give testimony in any suit instituted before any justice of the peace; such witness failing to attend at the time and place specified in such subpoena, and no reasonable excuse being given for his or her non-attendance, every such witness shall forfeit and pay a fine not exceeding three dollars, at the discretion of the justice, and moreover be liable to the party injured for such damages as the person or persons may sustain for the want of such witness, to be recovered before any justice of the peace or court having cognizance thereof, and every justice of the peace before whom any cause is pending or may be decided shall issue an attachment for every person so failing, on the application of the person who may be injured thereby: *Provided however*, that if any person shall

Proviso

order a subpoena for more than two witnesses to prove any one fact, the person ordering the subpoena shall pay such witness or witnesses, or in case any witness shall be subpoenaed and not examined by either of the parties, the party ordering such subpoena shall pay such witness, except the defendant confess judgment, or where the plaintiff shall be nonsuited.

§ 30. When any living creature shall be taken in execution, it shall be the duty of the justice who issued the said execution to make such allowance to the constable for keeping the same, as he may think reasonable, not exceeding fifteen cents per day for a horse. All sales of property made by virtue of this act shall be made between the hours of ten o'clock A. M. and five o'clock P. M. at the house where such property shall be executed or at one of the most public places within said township; and the justice who issued the execution, in such case, or constable making such sale, shall neither purchase directly nor indirectly, any of the property so sold, and any justice or constable so offending, shall forfeit and pay for every such offence a sum not exceeding twenty dollars to be recovered by presentment or indictment or be nonsuited in any court having competent jurisdiction thereof, for the county seminary and shall moreover be liable to the party aggrieved: *Provided however*, That it shall be the duty of each and every constable within the different counties of this state, when any execution shall come into his hands and on which he shall be compelled to sell any property by him taken by virtue of the same, to take bond with sufficient security of the defendant for the delivery of such property at the time & place where the same shall be advertised for sale.

Compensation to officer for keeping stock

Time & place of sale

Justice or constable purchasing property sold on execution liable to a penalty

Constable may take bond for delivery of property

§ 31. In all trials in cases of debt or accounts, before any justice of the peace it shall be lawful for the plaintiff if the defendant denies the debt, to require said defendant to answer on oath to the charge, but if the defendant shall thereupon deny the same the plaintiff shall not have judgment unless he shall establish his claim by one or more

When parties to answer on oath



credible witness or witnesses; and whenever the said defendant shall alledge matter in payment of the said plaintiff's demand, he may in like manner and subject to like rules, require the said plaintiff to answer such allegations on oath, and on neglect or refusal to answer, the justice may use compulsory proceedings for contempt, so as to procure professions, according to the true intent and meaning hereof: *Provided however*, That nothing herein contained shall be so construed as to authorize either party to be sworn unless thereunto required by the adverse party.

Constable to attend on day of trial,

§ 32. It shall be the duty of each constable to attend before the justice of the peace, on the return day of the process to him directed by such justice, and keep order and decorum, and execute all the legal commands of such justice under a penalty not exceeding three dollars to be assessed by such justice against the constable: *Provided*, That no fine shall be assessed as aforesaid, if the constable produces satisfactory evidence, either by others or his own affidavit, that he was prevented by sickness or other unavoidable circumstances.

Trial by jury when

§ 33. In all civil cases (where the sum in controversy shall exceed twenty dollars,) to be tried before any justice of the peace, at the request of either the plaintiff or defendant, such justice shall direct the constable to summons and cause to appear before him twelve lawful citizens of this state resident of such county (neither of whom shall be related to either party, or interested in such suit, who shall be impaneled to try such cause: *Provided however*, before they proceed therein such justice shall administer to them the following oath or affirmation, viz. you and each of you do solemnly swear (or affirm as the case may be) that, you will well and truly try the cause submitted to you by A. B. plaintiff and C. D. defendant, and a true verdict give according to evidence, to the best of your judgment and ability so help you God; (omitting in case of an affirmation these words, so help you God; and using the fol-

Juror's oath

lowing, under the pains and penalties of perjury) and it shall be the duty of the justice to enter up judgment upon the verdict of such jury, in favor of either the plaintiff or defendant as the case may be, and proceed to execution as in other cases.

§ 34. If any person or persons shall claim any property, taken in execution by any constable, other than the person or persons against whose property such execution was issued, the right of property shall be tried, as is herein provided, in case of attachments in the fortieth section of this act, and all costs shall be paid in the same manner.

Right of property how tried

§ 35. In all cases, where a transcript of the judgment of any justice of the peace, within this state, is hereby certified and signed by the justice rendering such judgment, and delivered to another justice of the peace for the purpose of enforcing the execution of the same, the justice to whom the same is delivered shall make an entry thereof in his docket book, and shall issue a *scire facias* against the apparent defendant in such transcript, requiring such person to appear and shew cause (if any there be) why execution shall not issue against him for the amount of the judgment and costs, as stated in said transcript, or such justice may issue a warrant in the nature of a *capias ad respondendum* against such defendant; and in either case, if the defendant is found and cannot prove to the satisfaction of the justice, that he has paid the whole amount of the debt, as stated in the transcript, the justice shall hold him to bail, or issue an execution for the same, or such part thereof as shall appear to remain unsatisfied, in the same manner and under the same regulations as the justice before whom the proceedings were originally had, might or could have done, had the defendant remained within his township or county; *Provided*, stay of execution shall only be had from the date of the original judgment. And in all cases where any person or persons who may have entered security for the stay of execution upon any justices docket, shall remove from the county where such justice resides, and upon P.

When judgment is transferred from one justice's docket to another's

When security for stay of execution removes out of the jurisdiction of J.



proceeding as herein before provided against the original defendant, the constable shall return that no goods, or chattels can be found to satisfy the judgment, the justice before whom such security was entered, upon application of the plaintiff or his agent, shall give a transcript of the judgment, recognizance of bail for stay of execution and other proceedings; upon which transcript any justice of the peace of the county where one or more of such securities may reside, may proceed against such security or securities by *scire facias*, or *capias ad respondendum*, as in other cases of transcripts: *Provided however*, any justice of the peace may issue an execution on any judgment on his docket against any person or persons, or his or her goods and chattels, and the constable to whom the same is directed, is hereby authorised to serve the same, in any part of the county where such person or persons or his or her goods and chattels may be found; if any justice of the peace of this state shall refuse or neglect to give to either party in any cause tried before him a certified transcript of his proceeding in such trial, or to perform any other duties required of him by any of the provisions of this act, and does not render a reasonable excuse therefor, he shall be fined in a sum not exceeding one hundred dollars, by presentment, or indictment, in any court of competent jurisdiction, and moreover be liable to the suit of the party injured: *Provided*, The person demanding the same shall tender to such justice his legal fees for such transcript, or other proceeding.

#### PROCEEDINGS IN CASES OF ATTACHMENT.

§ 36. Every justice of the peace within this state is hereby authorised and required (upon application being made to him by his creditor, his or her agent or attorney, on oath or affirmation before the said justice, that his or her debtor absconds or conceals himself or herself to the injury of his or her creditor, as he or she verily believes) to issue an attachment under his hand and

I may issue execution against resident in the county

J. liable to a penalty for neglecting of duty in certain cases

J. P. to issue an attachment on affidavit of creditor.

seal, directed to any constable of the proper county, requiring him to execute the same on the goods, chattels, rights, credits, monies, and effects that may be found within the county, and make return thereof according to law within twenty days: *Provided however*, before such justice shall issue such writ of attachment, he shall take of the plaintiff, a bond with good and sufficient security, in double the amount of the sum demanded, conditioned to pay to the defendant all damages he or she may sustain in consequence of suing out such writ of attachment; and if any attachment shall issue without such bond, the same shall be taken as illegal and void, and shall be dismissed.

§ 37. The constable, in executing such writ of attachment, shall go to the place where the defendant's property is or may be found, and shall declare in the presence of one or more credible person or persons, that by virtue of the writ of attachment to him directed, he attaches the goods, chattels, rights, credits, monies and effects of said defendant, at the suit of such plaintiff in attachment; and the said constable shall take to his assistance two respectable freeholders, who, under oath or affirmation (which oath or affirmation the constable is hereby authorised to administer) shall make out a true inventory and appraisal of the property so attached which shall be signed by the constable and freeholders, and returned with the writ; and the constable shall endorse on said writ the time and manner of serving the same, and subscribe his name thereto, and such writ when served, shall bind the property so attached, from the time of executing the same.

§ 38. When any person or persons shall take out a writ of attachment from a justice of the peace, and the same shall have been returned executed such justice shall forthwith cause the same to be advertised, in at least three of the most public places in the proper county, or in some newspaper printed in that or an adjoining county,

When returnable

Bond to be given by plaintiff prior to issuing attachment.

Mode of serving attachment

Property to be appraised by two freeholders

Property bound from time of service.

When public notice of attachment to be given.



at least thirty days before rendering judgment thereon.

When constable liable for loss of property. § 39. The constable shall be accountable for the property so attached by him, or the appraised value thereof: *Provided however*, That if such property or any part thereof shall be lost by unavoidable accidents, said justice upon sufficient proof being made, shall remit the value thereof to the constable.

How right of property tried. § 40. If any person or persons other than the defendant, shall claim any property attached by the constable, by virtue of a writ of attachment issued by authority of this act, it shall and may be lawful for such constable forthwith to summons and swear a jury of five freeholders resident in said county, to enquire into, and try the right thereof, and if such jury shall find the right of such property to be in the claimant, or any other person or persons than the defendant in such attachment, the said constable shall deliver up such goods, chattels, or effects, to the person or persons, or his, her or their agent or agents in whom the right of property is found by the jury, and the constable shall not be liable to any prosecution for having taken and attached such goods, chattels, rights, credits and effects; and all reasonable cost accruing by such enquiry shall be taxed by the justice against the plaintiff in attachment; but if the right of property be found in the defendant, then such costs shall be paid by the claimant, and the said justice is hereby authorised to tax the same, and enter up judgment therefor accordingly; and in all cases where the right of property is disputed by any claimant, and a trial is had thereon, the decision may be appealed from, to the circuit court of the proper county as in other cases.

An appeal may be had to the C. C.

When a person is to be summoned as garnishee.

§ 41. If the plaintiff or any other credible person on his or her behalf, shall make oath or affirmation that he or she has good reason to believe, and does verily believe, that any person or persons, (naming such person or persons) have property (describing the same as nearly as may

be) in his, her or their possession, belonging to the defendant in attachment; and if the constable making service of such writ of attachment, cannot come at the property of the defendant in attachment, in the hands and possession of such person, the said constable is hereby authorised, and it is made his duty to summons such person or persons as a garnishee by leaving with him or her, or at his or her usual place of residence, a copy of such writ of attachment, also a copy of the affidavit, together with a written notice to such garnishee, to appear within five days before such justice, and answer under oath or affirmation, all questions that shall be put to him or her touching the property and credits of the defendant in his or her hands or within his or her knowledge, and from the day of such service, such garnishee shall stand accountable to the plaintiff in attachment to the amount of money, property and credits, in his or her hands, or due from him or her to the said defendant in attachment.

§ 42. The suit instituted against such garnishee shall be continued without trial or decision until the action against such defendant in attachment be determined, and if in such action nothing shall be found due from the defendant to the plaintiff, then the garnishee shall recover cost against the plaintiff, although he or she may be indebted to the defendant in attachment, or have money, goods or effects of the defendant's in his or her possession; and if in such suit so instituted against the garnishee, the plaintiff shall be nonsuited, the cause discontinued, or judgment be had against him or her, the said garnishee shall recover cost, and if the plaintiff shall recover judgment against the defendant in such attachment, and the garnishee shall deliver up to the constable before judgment is had against him or her all the goods chattels and other effects in his or her possession, and shall also pay to the said constable all monies due from him or her to the said defendant, then the cost which shall have accrued on such suit against the garnishee shall be paid

Process how served.

Garnishee accountable from time of service for amount of property in his hands.

Action continued against garnishee.

When the plaintiff shall pay costs.

When the defendant shall pay costs.



When the garnishee shall pay costs.

Garnishee may be held to bail.

When judgment shall be given and execution issued.

Proviso where amt. exceeds justices jurisdiction.

Justice to certify proceedings to

out of the proceeds of the property attached and belonging to the defendant; but if the garnishee shall not appear, or if appearing, shall refuse truly to confess the matter alleged, and the plaintiff on trial shall recover judgment the said garnishee shall pay the cost.

§ 43. If the plaintiff or plaintiffs, his, her or their agent or attorney will make oath or affirmation before the justice issuing said attachment, that he or she is afraid said garnishee will abscond before judgment can be had, and that he or she verily believes such garnishee hath monies, goods, chattels or effects in his or her possession belonging to (or is indebted to) the said defendant, it shall be lawful for the said justice to issue a warrant against such garnishee holding property of the said defendant, who shall be held to bail as in other civil cases.

§ 44. Upon the return of said writ of attachment if the plaintiff or plaintiffs or any other creditor or creditors shall make sufficient proof of the debt due him, her or them, and also of the goods, chattels, rights, credits, monies and effects in the hands of the garnishee, the said justice shall at any time after the expiration of thirty days, proceed to give judgment thereon in favor of such plaintiff or plaintiffs, or any other creditor or creditors, and award execution therefor, either against the garnishee or the effects of the defendant as the case may require, *Provided* the amount proved by any one of the plaintiffs doth not exceed the sum cognizable before a justice of the peace in other cases: *Provided also* That if the plaintiff shall fail in proving a demand against the defendant, or in proving the goods, chattels, rights, credits, monies and effects in the hands of the garnishee, he or she shall pay the costs, and if need be, the said justice shall enter up judgment therefor against such plaintiff and issue execution for the same.

§ 45. If the sum proved by any one plaintiff or creditor shall be greater than is cognizable by a justice of the peace, said justice shall forthwith

certify his proceedings to the circuit court next to be holden in said county together with the constable's return and writ, and said court shall proceed therein, in the same manner as if said writ of attachment had issued from the said court.

§ 46. The justice of the peace is hereby authorized to adjust all accounts and demands of the plaintiff or any creditor or creditors of the defendant in attachment upon due proof being made to him, any time before the sale of the defendant's property; and if there shall be money enough of said defendant's to pay all debts and costs, he shall pay them accordingly, but if there is not money enough to pay all the debts and costs, the cost shall be first paid, and after that, each plaintiff or creditor shall receive according to his or her claim, and the justice shall allow to the constable and jury and appraisers, such compensation as may appear to him just and reasonable for services not otherwise provided for by law.

§ 47. The plaintiff in any writ of attachment shall in nowise be permitted to discontinue the same after any other creditor has applied and filed his or her claim with the justice issuing such writ of attachment, without the consent of (or satisfaction being made to) such creditor.

§ 48. If sufficient monies and effects cannot be found to satisfy the legal costs of such attachments, then such cost shall be paid by the plaintiff and creditors, in proportion to their several demands adjusted as aforesaid; and all judgments rendered by any justice of the peace under this act may be taken up by appeal to the circuit court as in other cases.

§ 49. If any defendant in attachment shall appear by himself or agent, before any justice within fifteen days after such judgment is rendered against him by such justice under the provisions of this act and offer good and sufficient bail for stay of execution, such justice shall suffer such person to enter bail, and he shall be entitled to the same stay of execution as he would have been entitled to had the suit been brought by the

C. C. when the sum exceeds his jurisdiction.

How J. P. to adjust accounts & demands of defendants creditors.

When plaintiff shall not discontinue.

When plaintiff and creditors shall pay costs. Appeal to C. C. as in other cases.

When stay of execution as in 19th section of this act.



plaintiff by summons or *capias*, and the property attached shall be delivered up to the defendant on demand.

Consignee's lien on goods in his possession. § 50. When any goods shall be attached in the hands of a consignee, such consignee shall have a lien on such goods for any debt due to him or her from the consignor in preference to the plaintiff or any other creditor.

When writ of attachment is sued by C. C. a supersedeas to a writ issued by justice of peace. Sheriff may take possession of property previously attached by constable. § 51. Any writ of attachment issued by the circuit court against any absconding debtor, shall be a supersedeas to attachments issued by a justice of the peace undetermined at the time of serving said writ; and it shall and may be lawful for the sheriff or his deputy or other officer, to take into his possession all goods and chattels attached by the constables, as fully, to all intents and purposes as if the attachment issued by the justice had not been served, and the plaintiff and creditors of the said defendant in attachment shall be entitled to their several debts with cost that may have accrued in proportion to other creditors as before directed in this act: *Provided*, That no constable shall be accountable for any goods attached by him after the same shall have been taken by the sheriff: *And provided also*, That if on the return of an attachment issued against the goods, chattels, rights, credits, monies and effects of any absconding debtor, it shall appear to the justice that there were no goods, chattels, rights, credits, monies and effects, or not enough whereon to levy, the justice in such case, on the application of the plaintiff may issue an attachment against the lands and tenements of the defendant, and the constable shall levy the said writ of attachment in the same manner that sheriffs are directed to do, and on the return the justice shall forthwith certify his proceedings, together with the constable's return to the circuit court next to be holden for said county, and said court shall proceed in the same manner as if the writ of attachment had originally issued therefrom.

When writ of attachment may be issued against real estate.

Trial by jury.

§ 52. In all cases when the defendant in attachment, shall appear on the day of trial, he shall

have the same privilege in making a defence, as if such suit had been commenced by a summons, or *capias*, and when the sum in controversy shall exceed twenty dollars such trial shall be by a jury, as in other cases.

§ 53. When writs of attachment are issued by virtue of this act, the following form may be pursued, as nearly as may be proper or applicable: and the justice shall endorse on the back of said writ the amount of the sum claimed, and the cost and the defendant or any one for him or her, may pay the same who chooses so to do, and upon the return of said writ, if such sum and cost be paid, the justice shall enter a nonsuit.

Justice to endorse the amount &c.

*Form of a writ of attachment.*

COUNTY, }  
TOWNSHIP. } *sc.*

*The State of Indiana, to any Constable of County, GREETING:*

Whereas A. B. hath this day made oath (or affirmation as the case may be) that C. D. absconds, to the injury of his creditors, as he or she verily believes; you are therefore, hereby commanded to attach the goods, chattels, rights, credits, monies and effects of the said C. D. which may be found in your county agreeable to law, and whereas, A. B. hath made oath or affirmation that he does verily believe that E. F. is indebted to (or hath property as the case may be) the said C. D. you are therefore commanded to summons the said E. F. agreeably to law, that he appear before me

Form of writ of attachment.

a justice of the peace within said township on the day of 18 Then and there to answer under oath or affirmation, touching the credits or property of the said C. D. within his or her knowledge or possession, hereof fail not and of this writ make legal service and due return according to law. Given under my hand and seal this

day of 18

G H J. P. (*Seal.*)

§ 55. *Be it further enacted*, That nothing in this act, shall be so construed as to give a justice and to what

In what cases



amount jus-  
tices have ju-  
risdiction.

of the peace jurisdiction in any case, where the title of lands or tenements, shall come in question or promises of a marriage contract, or suits of slander, nor in suits brought for the recovery of damages for any trespass, wrong, or injury, done or committed against the real or personal estate, or person of another, or where the damages claimed shall exceed twenty dollars, nor for any case of rent where the demand shall exceed thirty dollars, nor in cases of *Trover* and conversion where the amount shall exceed twenty dollars.

Schedule and  
forms.

§ 36. The following schedule and forms shall be published for the use of the justices of the peace. Actions arising from contract, cognizable before justices of the peace wherein their jurisdiction is limited to fifty dollars.

**DEBT, COVENANT, ASSUMPSIT.**

*Debt*, among others, embraces these cases  
Where one sues on a former judgment ;

For a sum of money due on award ;

On a bond, note or bill ;

On an agreement sealed or unsealed to pay a certain sum of money ;

On a lease for a certain sum.

*Covenant*, includes those cases where one sues on a written contract under seal ;

To pay rent ;

For quiet enjoyment of premises ;

To save harmless, or keep indemnified ;

Not to assign premises leased ;

To keep in repair ;

To pay taxes ;

Not to plough orchards, &c.

To do work, deliver a horse, &c.

To pay so much corn, wheat, &c.

To pay a certain sum in produce or trade ;

*Assumpsit*, embraces those cases among others where one sues.

On a note of hand or agreement not sealed ;

On express contracts not under seal, for the breach of which damages have accrued to the plaintiff ;

To recover back money paid under a mistake,

or through the deceit of the other party ;  
To recover back money paid without consideration, or for a consideration which happens to fail ;

To recover back money paid to one acting under, or in pursuance of a void authority ;

To recover back money obtained from any one by compulsion, extortion, imposition, oppression, or taking an advantage of the situation of the parties ;

To recover back money lent, paid, laid out, or expended to the use of the defendant, or at his request ;

To recover back money had and received by the defendant for the use of the plaintiff ;

For a sum certain : also, for goods sold and delivered where there is no express agreement about the price, but where the plaintiff is to receive the value ;

For a sum certain or uncertain, for labour or work done ;

In cases of a breach of official duty, or trust of nonfeasance or misfeasance, as if a sheriff or constable does not execute a writ given to him, or wilfully makes a wrong return thereon, or suffers his prisoner to escape ;

Where an attorney betrays the cause of his client ;

Where a person leaves goods at an Inn, or where an Innkeeper refuses to admit a traveller ;

Where a person warrants a thing to be good which he sells, and it is afterwards proven to have been bad at the time of sale.

*Form of a Recognizance in case of an Appeal.*

In the suit of A. B. against C. D. I. E. F. do acknowledge myself bail for A. B. appellant for the sum of \_\_\_\_\_ dollars to be levied on my goods and chattels, lands and tenements in case said appellant fails to pay the debt and cost that may accrue.



*Recognizance of bail for stay of Execution.*

In the suit of A. B. against C. D. I. E. F. do acknowledge myself bail for C. D. in the sum of \_\_\_\_\_ to be levied on my goods and chattels, lands and tenements, in case the said C. D. fails to make payment for the sum for which judgment is entered in said suit.

§ 57. *Be it further enacted*, That the form of *scire facias* against bail when execution has been issued against the principal and the money is not paid, may be as follows, to wit:

*The State of Indiana,*                      *County* *Sct.*

(L. S.) To Constable of Township,  
Greeting: Whereas A. B. recovered judgment against C. D. for the sum of \_\_\_\_\_ dollars, debt and costs, on the \_\_\_\_\_ day of \_\_\_\_\_ last, as appears of record: and whereas E. F. on the \_\_\_\_\_ day of \_\_\_\_\_ became security in behalf of said C. D. for the payment of the debt and costs to the said A. B. as also appears of record, which debt and costs are not yet paid: You are therefore commanded to summon the said E. F. forthwith to appear before me at \_\_\_\_\_ to shew cause, if any there be, why execution should not issue against him for the debt and costs aforesaid, and of this writ make legal service and due return.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_

And the form of a *scire facias* against the constable may be as above, only changing it agreeable to the name of the case.

§ 58. *Be it further enacted*, That the following may be the form of process in civil cases:

*Form of a Summons.*

*State of Indiana,*                      *County, Sct.*  
(L. S.) To Constable of Township,  
Greeting:

You are hereby required to summons A. B. to be and appear before me \_\_\_\_\_ a justice of

the peace of said township, on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock on said day, to answer C. D. in a debt or damages (as the case may be) and of this writ make legal service and due return.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_

*Form of a Capias.*

*The state of Indiana*                      *County, Sct.*  
(L. S. To Constable of Township,  
Greeting:

You are hereby commanded to take the body of A. B. and him forthwith bring before me \_\_\_\_\_ justice of the peace for \_\_\_\_\_ township to answer C. D. in a debt or damages of \_\_\_\_\_ and of this writ make legal service and due return.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_

*Form of execution against the principal where bail was entered.*

*The state of Indiana,*                      *County, Sct.*  
(L. S.) To Constable, Township,  
Greeting:

Whereas A. B. obtained judgment against C. D. before me as a justice of the peace of \_\_\_\_\_ township, for a debt of \_\_\_\_\_ and costs on the \_\_\_\_\_ day of \_\_\_\_\_ last: You are therefore commanded to levy the said debt and costs that may accrue of the goods and chattels of the said C. D. by distress and sale thereof, returning the overplus if any, to the said C. D. and of this writ make legal service and due return.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_ (L. S.)

*Form of an Execution where no bail was given.*

Whereas A. B. obtained judgment against C. D. before me a justice of the peace of said township, for a debt of \_\_\_\_\_ and costs on the \_\_\_\_\_ day of last You are therefore command-



ed to levy the said debt and costs, that may accrue, of the goods and chattels of the said C. D. by distress and sale thereof, returning the overplus if any, to the said C. D. but for want of such property whereon to levy, then take the said C. D. to the jail of said county, there to be detained until the said debt and costs that may accrue, shall be paid or otherwise legally discharged : and of this writ make legal service & due return.

Given under my hand and seal this  
day of 18 (L S.)

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 3, 1817—APPROVED,

JONATHAN JENNINGS.

## CHAP. VI.

*AN ACT, authorising replevin bonds  
in certain cases.*

§ 1. *BE it enacted by the General Assembly of the State of Indiana,* That upon any execution which may be in the hands of any sheriff, coroner, constable, or other officer, or which may hereafter come into the hands of any such officer, in virtue of any judgment, or replevin bond, which may have been entered into, or taken against any person or persons, or which may hereafter be entered or taken against any person or persons, it shall and may be lawful for the sheriff, coroner, constable or other officer (as the case may be) to take of the defendant or defendants, bond and security, in nature of a replevin bond for the payment of the said debt, in exe-

Executions  
in a sheriff's  
hands.

His duty  
thereon.

To take bond.

Its nature.

cution or executions, therein mentioned, with interest, and costs, payable nine months after date : *Provided nevertheless,* That no person, or persons shall be entitled to any, or other, or further relief than he or they are entitled by the law now in force ; if the plaintiff or plaintiffs, in such execution or executions, shall agree and authorize, the sheriff, coroner, constable, or other officer, (as the case may be) by endorsement upon the back of any execution or executions, to take in payment and discharge of such debt, interest, and cost any current bank notes on any chartered bank, or banks, the paper of which shall pass at par, generally throughout this state : *Provided however,* That no sheriff, coroner, or constable, or other officer, who shall have collected any public money shall have any relief from this act.

When payable.

Proviso.

Proviso.

This act shall be in force from and after its passage, and shall continue in force for one month, from and after the time that the principal banks, in the western country shall resume specie payments.

Commencement.

Its continuance.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 24, 1816—APPROVED,

JONATHAN JENNINGS.

## CHAP. VII.

*AN ACT to prevent forgery, and counterfeiting.*

§ 1. *BE it enacted by the General Assembly of the state of Indiana,* That if any person or persons, from and after the time this act takes effect, shall fraudulently and falsely make, forge, or counterfeit, or willingly aid or assist, or cause or

Forgery of  
any record or  
copy thereof.



procure, to be fraudulently and falsely made, forged or counterfeited, or shall fraudulently and falsely alter, deface, embezzle or destroy, or willingly aid, or assist, or cause, or procure to be fraudulently, and falsely altered, defaced, embezzled, or destroyed any record of any court of justice within this state ; or the record or copy of any deed or other instrument of writing, entered as of record in either of the offices for recording of deeds in this state ; or the record of any last will and testament, or copy thereof entered as of record in either of the offices, of the register for the probate of wills and granting letters of administration in this state ; or any record of the orphans court, or the court of chancery of this state ; or other matter of public record in this state ; then every such person, or persons, being thereof lawfully convicted according to the due course of law, shall be fined in a sum of money not less than fifty dollars, and not exceeding two thousand dollars, and shall moreover be publicly whipped with not less than ten, nor more than one hundred stripes : *Provided*, That if it is made out to the satisfaction of the court, that the defendant has not property to satisfy the fine aforesaid, that such court may discharge the criminal from such fine, after three months solitary confinement.

Forgery of any deed, or other instrument of writing to the injury or prejudice of any person.

§ 2. If any person or persons, from and after the passage of this act, shall fraudulently and falsely, make, forge or counterfeit, or willingly aid, or assist, or cause or procure to be fraudulently, and falsely made, forged or counterfeited, or shall fraudulently and falsely alter, deface, embezzle, or destroy, or willingly aid or assist, or cause, or procure to be falsely and fraudulently altered, defaced, embezzled, or destroyed, any deed for the conveyance or transfer of any lands or tenements, or any interest in, or concerning the same, or for the assignment, or transfer of any goods or chattels, rights or credits, or any last will and testament, or any bond, obligation, bill obligatory, letter of attorney, bill of exchange, promissory

note, or note or notes of any incorporated or unincorporated bank, or any order or check on any such bank ; or any order for the payment of money, or any acceptance of any bill, or bills of exchange, or any receipt, or release, or acquittance, or any assignments or endorsements of, or upon any bond, obligation, bill obligatory, bill of exchange, or promissory note ; or shall fraudulently and falsely counterfeit the hand and seal, or the hand or seal of any person or persons whatever, or the seal of any body corporate or politic, or shall fraudulently and falsely make, forge or counterfeit, or willingly aid or assist or cause or procure to be fraudulently and falsely made, forged or counterfeited, or shall fraudulently and falsely alter, deface, embezzle or destroy, or willingly aid or assist, or cause or procure to be fraudulently and falsely altered, defaced, embezzled or destroyed any other writing whatever to the prejudice, or with intent to the prejudice of the right of any person or persons, or body politic or corporate, or shall utter, publish, offer, or use as true, any of the said matters, things or instruments above specified, knowing the same to have been fraudulently and falsely made, forged, counterfeited, defaced, or altered as aforesaid ; then every such person or persons being thereof lawfully convicted before any court having cognizance thereof, shall be fined in a sum of money not less than ten nor more than three thousand dollars, and be publicly whipped with any number of stripes not less than ten nor more than one hundred on his, her or their bare back well laid on ; and moreover on a second conviction, be ever after incapable of holding any office of honor, trust or profit under this state : *Provided*, If it is made out to the satisfaction of the court, that the defendant has not property to satisfy the fine aforesaid,

Altering or publishing the same as true.

Penalty.

Incapacity on second conviction.

Proviso.



said, that such court may discharge the criminal from such fine after six months solitary confinement.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 1, 1817—APPROVED.

JONATHAN JENNINGS.

CHAP. VIII.

*AN ACT for opening and repairing public Roads and Highways.*

Public Roads to be opened and kept in repair.

County commissioners their power.

When notice to be given & how.

Application how made.

§ 1. *BE it enacted by the General Assembly of the State of Indiana,* That all public roads and highways established by lawful authority, shall be opened, amended and kept in repair, agreeable to the directions of this act, and the county commissioners in their respective counties, shall have authority upon application, to make and enforce all orders necessary, as well for the opening all new roads which may be useful and convenient as to vacate any public road or any part thereof, which upon enquiry, shall be found useless and burthensome within the limits of their respective counties.

§ 2. That previous to any application being made to the board of county commissioners, for an order to lay out any new road, any person desiring the same, shall advertise it in two or more public places in each township through which such proposed road may be designed to run, for thirty days prior to the session as aforesaid.

§ 3. Every application for any public road, shall be by petition, specifying particularly where such road begins, and where the same shall ter-

minate, presented to the county commissioners of the proper county, signed by at least twelve householders resident in the same county, three of whom shall be freeholders of the neighborhood, who shall be liable for the costs accruing on such petition and view; and unless the road so petitioned for, shall appear to the board of commissioners from the report of the viewers to be of public and general utility to the citizens, and of the county at large, when the costs attending the same shall be paid out of the county treasury.

§ 4. When any petition in form aforesaid, is presented to any board of county commissioners, within any county of this state, praying for an order to lay out a new road through any part of said county, and the board be satisfied that the petitioners have given the necessary notice required by this act, the board shall order such petition to be publicly read, and thereupon shall appoint three disinterested freeholders of the county, which said freeholders, or any two of whom, after taking an oath or affirmation, faithfully and impartially to discharge the duties enjoined on them as viewers of the road for which they are appointed, shall proceed to view the ground between the two points specified in the petition, and shall with diligence and attention, examine, lay out, and mark such road, on the best ground that a possible way can be obtained, and not to take the same through any person's enclosure of one year's standing without the owner's consent, unless a preferable way cannot otherwise be had with convenience to the public, and shall make out a statement of their proceedings and certify the same, and return them to the board of county commissioners at their session next to be held for such county; and the board of commissioners, on receiving such return, shall cause the same to be publicly read on the day at which such return shall have been made; and if no objections are made to such proposed highway on the reading of the return aforesaid, it shall be the duty of the

Costs to be paid by county  
County Commissioners to appoint viewers

Their duty & powers

Commissioners on receiving return how to proceed



commissioners to order the said road to be opened a necessary width not exceeding thirty three feet, and made in all other respects convenient for the passage of travellers, and cause a record thereof to be made, which shall thenceforth be deemed a public road.

Persons aggrieved their remedy

Commissioners to appoint disinterested freeholders

To take an oath

To assess the damages and report

§ 5. If any person through whose land any proposed public road may run, feels aggrieved thereby, such person may at any time before such road is recorded, and not afterwards, set forth his or her grievances by way of remonstrance against such proposed road or any part thereof presented to the commissioners of the proper county, and the commissioners shall nominate five disinterested freeholders of the county, who shall not be related to any of the parties interested in opening or objecting against such proposed road, and shall assign a day for such freeholders to meet where such proposed road begins; it shall be the duty of such five freeholders respectively, having had five days previous notice from either of the parties to meet on the day, and at the place assigned by the commissioners, and then, or any other day prior to the next session to which the majority may adjourn, having first taken an oath or affirmation before some person qualified to administer oaths, impartially to assess the damages or several damages which any such objector or objectors may be likely to sustain by reason of such proposed road, in case the same should be opened and continued through his, her or their lands, to review such proposed road, and take into their consideration, how much less valuable any tract of land, the property of such objector or objectors will be rendered by reason of such proposed road, should the same be opened and continued through such tract respectively, and shall assess the damage or several damages accordingly, and report the same to the next session of the board of county commissioners to be held for the proper county, and if three of them agree in assessing damages to the amount of the cost accruing on such remonstrance, the board of com-

missioners may, if they consider it expedient, order the damages to be defrayed out of the county stock; or if that be considered inexpedient, and the petitioners will defray the same, then in either case, such road shall be ordered to be opened, and a record thereof made, and the costs and charges having accrued in virtue of such remonstrance shall be defrayed out of the county stock: but if three of such freeholders do not agree in assessing damages to the amount of the costs aforesaid, then such objector or objectors shall pay the costs, and such proposed road shall be ordered to be opened and recorded in like manner as though no objections had been made. Cost how paid,

§ 6. That objections in time and manner aforesaid, to any proposed public road may be made by any twelve freeholders or householders of the neighborhood through which the same runs, on account of the same being likely to be useless and burthensome to the township respectively; and when such objections are made, the board of county commissioners shall proceed in like manner by review thereof as described in the last preceeding section of this act; and if the freeholders who review, or any three of them agree that the said proposed road is likely to be useless and burthensome if it be opened and kept in repair by the public, then, unless the petitioners respectively, will agree to open and keep in repair such proposed road at their own private expense, all the proceedings shall be stayed, and the petitioners shall, in either case pay the costs and charges that may have accrued; but if three of the aforesaid viewers do not report against such proposed road as likely to become useless and burthensome, the objectors shall pay the costs and charges which shall have accrued on such review, and the said proposed road shall be ordered to be opened and a record thereof made; and shall thenceforth be deemed a public road. Objections to road how and by whom made

§ 7. If any person through whose land any public road shall run, shall be desirous of cultivating such part of his land, it shall be lawful for When & how road may be changed



Commission-  
to appoint 3  
freeholders

Who shall ex-  
amine and re-  
port

Old road  
when vacated

Useless roads  
may be dis-  
continued &  
how

such person or persons to petition the board of county commissioners to permit him, her or them at his, her or their own expense, to turn such road through any part of his, her or their own land on as good ground, and without increasing the distance to the injury of the public; and upon such petition the said board of commissioners shall appoint three disinterested freeholders who shall proceed to view the ground on which the said road is designed to be turned, and measure the respective distances of that part of the road already established, and of the proposed way until it shall intersect the road established aforesaid, and at the next session of the said board of commissioners shall report the several distances with their opinion respecting the ground on which such proposed road is to run; and if it shall appear to the satisfaction of the board of commissioners aforesaid, that the ground on which such new part of the road is designed to run is equally situated, and that the difference in the distance will not materially injure the public; such board of commissioners shall permit him, her or them, to turn such road, and on receiving satisfactory assurance that such petitioner or petitioners have opened such road equally convenient for travellers, shall vacate so much of the former road as shall lie between the different points of intersection, and record such viewers' report which afterwards shall be a public road or highway.

§ 8 When any public road or highway shall be considered useless, and the repairing thereof be an unreasonable burden to the township, and any twelve freeholders or householders of such township, may make application to the board of commissioners in writing signed by such persons setting forth the situation and other circumstances of the road which they wish vacated as aforesaid in a clear and intelligible manner, which shall at the session to which it is presented, be publicly read on two different days of the session, and no further or other proceedings shall be then had thereon, but the same shall be adjourned to the

next session, when the same shall be again read, when, if objections are not made thereon in writing, signed by twelve freeholders or householders, the said commissioners, on any day in the same session except the first day thereof, may proceed to vacate such public or part of said public road, and the costs and charges shall be defrayed by the county; but if objections in manner aforesaid are made, the commissioners shall proceed to appoint viewers who shall be governed in every respect as those appointed by the board of county commissioners in similar cases; and the judgment of the commissioners shall be conclusive in the premises if the same be not appealed from in nine months after giving any such judgment to the circuit court of the county, which court is hereby authorised to hear and determine the same, and their decision shall be final and conclusive.

§ 9. Nothing in this act contained shall be so construed as to give authority to any board of county commissioners or circuit court, to vacate any street or highway in any city, borough, town, or village in the state which has been laid out by the late proprietors thereof, or by any other person or persons, and dedicated to public use, nor to vacate any road laid out by order of the board of commissioners which is not repairable at public charge, nor any road or passage claimed by private right, nor to rivers or streams of water.

§ 10. Each and every male person, eighteen years of age and under fifty, having resided thirty days within any township in this state, shall be subject to work on roads and public highways not exceeding six days in any one year, whenever the supervisor of the district in which he resides shall deem it necessary; and it shall be the duty of every supervisor respectively, to call out every such resident aforesaid, when in his opinion it may be expedient to work on the public road or highway within the division respectively allotted to him; and if such resident, having had three days notice thereof from the supervisor, give notice

Appeal may  
be taken

Streets not to  
be vacated

Persons lia-  
ble to work

Supervisor to  
give notice



shall neglect or refuse to attend by himself or substitute to the acceptance of the supervisor on the day, and at the place appointed for working on the public road with such necessary and common articles of husbandry as the said supervisor shall have directed him to bring where with to labour, or having attended shall refuse to obey the direction of the supervisor, or shall spend or waste the day in idleness or inattention to the duty assigned him; every such delinquent shall forfeit the sum of seventy five cents, to be recovered at the suit of the supervisor respectively, before any justice of the peace within the township wherein the delinquent shall reside, to be appropriated towards repairing the public roads within the same township; and it shall be the duty of the board of commissioners at the time that they appoint supervisors to apportion to each one his part of the road, and hands to assist in opening, and keep the same in repair; and each person who shall furnish, at the request of the supervisor a pair of horses or oxen and driver, with a plough, cart, or waggon, shall, for each day's labor performed by them, receive credit for three day's labor and a proportionable credit for smaller services rendered.

§ 11. The board of county commissioners for each and every county in this state at their May session to be holden in each and every year, shall appoint a necessary number of freeholders in each and every township within their respective counties to be supervisors of the highways, and the said supervisors of the public roads and highways of the several townships, shall, and they are hereby required and enjoined, as often as the said several roads and highways within their townships, shall be out of repair, or as often as any new road shall be laid out and directed to be opened by lawful authority, to hire and employ a sufficient number of labourers to work upon, open and amend, clear and repair the same, in the most effectual manner, and to purchase wood and all other materials necessary for that purpose, and oversee the said labourers, and keep

Penalty on delinquents

Commissioners to apportion the roads and hands

Allowance made to those who shall furnish teams, &c.

Commissioners to appoint supervisors

Their duty

them close to their business, and take care that the said roads and highways be effectually opened, cleared, amended and repaired, according to the true intent and meaning of this act: *Provided always*, That nothing in this act shall be so construed as to authorise the supervisors to hire hands, until he has duly notified those allotted to him by the board of commissioners to attend, and perform the number of days' labour required of them by this act.

§ 12. And in order to enable the supervisors the more effectually to discharge their duty, it shall and may be lawful for the supervisors aforesaid, or any other person or persons by his or their order and direction to enter upon any lands adjoining to or lying near the public roads and highways within their respective townships and to cut or open such drains or ditches through the same as he or they shall judge necessary completely to carry off and drain the water from such roads: *Provided* The same be done with as little injury and damage as may be to the owner to such lands, which drains and ditches so cut and opened shall be kept open by the said supervisors if necessary and shall not be stopped or filled up by the owner or owners of such land or any other person or persons whatever under the penalty of five Dollars for every such offence to be recovered before any justice of the peace in any county and to be applied to the purpose of opening and repairing highways in the district wherein the offence shall have been committed.

§ 13 The said supervisors shall have full power and authority on any improved ground or lands adjoining the road or highway within their respective townships, to dig or cause to be dug any gravel, sand or stone or to gather any loose stones lying on the said lands or to cut down any wood or trees, growing or adjoining to the said roads or highways as he or they shall think necessary for the purpose aforesaid: *Provided*, The same be done with as little damage as may be to the owner or owners of such land; and the same gravel, stones

Supervisors may open ditches, drains, &c.

Penalty for filling them up

Sups. may dig gravel, cut timber, &c.



sand or wood so dug, gathered or cut, to be carried off without the let, hindrance or control of the owner.

§ 14. If any person or persons shall for the convenience of themselves or neighbors wish to have a cart road laid out from or to the plantation or dwelling place of any person or persons or to any public highway to intersect another; the person or persons applying for the same shall advertise their intentions as by this law is required in case of highways and shall petition the board of commissioners of the proper county who shall cause the same to be publicly read, and shall order and direct a view of the place where such road is required to be laid out.

§ 15. Every cart road laid out in pursuance of this act not exceeding eighteen feet in breadth being first paid for by the petitioner or petitioners, for such road shall be recorded and from thence forward shall be allowed and declared a common road or cart way as well for the use and convenience of all such as have occasion to travel the same and shall be open and by the persons petitioning therefor: *Provided*, nevertheless that if the said road shall be laid out through any person's unimproved land, then the same shall be valued as in this act is directed in case of persons objecting to public roads or highways, and on the value thereof being paid to the owner or owners of the land by the person's request, the same was laid out, they shall have liberty to open said road agreeable to the order of the board of commissioners.

§ 16. If any owner or owners of any land through which such cart road may pass, shall be desirous of improving his, her or their lands, they shall be permitted to turn the same, provided the ground on which they propose turning it, is equally as good for a road, and shall not increase the distance more than one twentieth part thereof, or shall be permitted to hang swinging gates upon such cart road or roads, but shall at all times, keep the said gates in good order and repair, under the penalty of one dollar for every of,

Cart roads  
may be open-  
ed and how

Breadth of  
cart ways

Passing thro'  
improved  
lands what  
steps to be taken

Cart way how  
changed

Gates to be  
kept in repair  
under penalty

fence, to be recovered before any justice of the peace in any county wherein the offence shall have been committed, by any person prosecuting for the same, one moiety thereof to the prosecutor, and the other moiety towards keeping said roads in repair.

§ 17. It shall be the duty of each and every Supervisor to erect sign posts within their respective districts, to erect sign posts public road or highway within their respective districts, containing an inscription in legible characters, directing the way, and mentioning the most remarkable places on each road respectively; and if any person shall demolish any such post, deface or alter any inscription thereon made, with an intent to destroy the utility of such sign, he or she so offending, shall for every such offence forfeit and pay to the supervisor of such road respectively, the sum of ten dollars, to be recovered before any justice of the peace of the county wherein the offence shall have been committed, for the use of such district respectively.

§ 18. If any person shall take down, obliterate, or destroy any advertisement or written notice, necessary to be put up under the directions of this act, he, she or they so offending, shall, for every such offence forfeit and pay the sum of ten dollars, to be recovered by indictment, before any court having cognizance thereof, to be held in the county where the offence shall have been committed, to the use of the county respectively.

§ 19. If any person shall obstruct any road laid out, or to be kept in repair under the authority of this act, and shall suffer such obstructions to remain, to the hindrance of passengers; every person so offending, shall, for every such offence, forfeit and pay a sum not exceeding one hundred dollars, nor less than one dollar, to be recovered by action of debt *qui tam* or indictment, before any court having cognizance thereof, to be held in the county in which the offence shall have been committed, one half to the county respectively,

Penalty on  
those destroy-  
ing or defac-  
ing them  
Penalty for ob-  
litterating or  
destroying no-  
tice

Obstructing  
roads how  
punished.



and the other half to whosoever will sue for the same; but when the prosecutions shall first be commenced in behalf of the county the whole shall accrue to its use.

When persons are committed to supervisor to labour. § 20. In all cases where persons shall be committed to the supervisor, to labour, by the authority of the laws of this state, such supervisor may assign the proper portion of labour for such person to do and perform, or shall appoint a time and place for such person so committed to attend and perform the labour as aforesaid, and such

His duty.

service in either case, being performed, such supervisor shall give such person his discharge accordingly.

Liability of parents and masters

§ 21. That in case of default, or non-attendance of minors, or servants, to work on public roads or highways when legally called on as the law directs, the parent or guardian, or master, shall be held and deemed responsible for all fines and costs which are recoverable by law.

Compensation of supervisors

§ 22. It shall be lawful for the county commissioners, within their respective counties in this state, when they settle with the supervisors of their counties, shall allow to each the sum of seventy five cents a day, for every day they were faithfully engaged in warning the hands within their districts which account shall in all cases be sworn to. And it shall be the duty of the supervisors, at the time he exhibits his accounts, to deliver to the board, a list of all the delinquents within his bounds, stating with what justice he has deposited them for collection, which list

Shall deliver list of delinquents

Duty of justice of peace relative to delinquent lists.

shall also be sworn to be just and true. And it shall be the duty of every justice in whose hands delinquents' list are deposited, to proceed within ten days, by summons or warrant, and collect the same, and pay the amount to the county treasury as other fines, on or before their May session of the commissioners annually, under the penalty of five dollars for every such neglect, to be recovered in a summary way, before any justice of the peace in the county, by the treasurer, and the fines collected as above, and paid into the county

Fines how appropriated

treasury, shall be paid by the commissioners to the overseer of the road whose predecessor returned the delinquents of whom the said fines were collected, to be appropriated by said overseer in opening said road, excepting so much thereof as will pay the said supervisor for warning his hands in his districts, and he shall account how the same was appropriated upon oath at the expiration of his office, under the penalty of the amount of said fines, to be recovered by motion of the prosecuting attorney.

§ 23. The board of county commissioners shall have power, whenever they may deem it necessary, to levy a tax on all lands subject to taxation within their respective counties, not to exceed one fourth of the amount laid for state purposes, and transmit a duplicate thereof to each supervisor within the township of their respective counties, whose duty it shall be, to advertise a day when and where he will meet to work on the public road or highway; and every person who chooses, may meet by himself or substitute, and work out their road tax; and should any person, charged with such road tax, fail or neglect to perform the work at the time and place as above specified by himself, agent or substitute, the supervisor shall return each and every person so failing or neglecting to work as is required in this section, to the board of county commissioners of their respective counties, which board shall proceed to have the said taxes collected in the same manner, and by the same officers as other county levies are, and to be paid into the county treasury as other county levies, and by order of the commissioners, paid over to the supervisor in the same manner as is directed in the preceding section of this act.

Commissioners may levy a road tax

Persons may work it out

§ 24. The act entitled an act supplementary to the several acts for opening and repairing roads and highways, approved and signed the twenty sixth day of December, one thousand eight hundred and fifteen, as also all laws and parts of laws coming within the purview of this

Repealing section



Transfer of  
books monies  
&c from town  
ship commis-  
sioners, trea-  
surer & sher-  
iff to the coun-  
ty commissrs.  
Penalty on  
township offi-  
cers and  
sheriffs

How appro-  
priated

to commence

act, be, and the same are hereby repealed; and all books, papers, and other documents, together with all monies in the hands of the township commissioners and township treasurer or sheriff, received by authority of the act last mentioned, shall be, and are hereby transferred to the board of county commissioners of the proper county, whose duty it shall be to give notice to the said township officers and sheriff to deliver to their board at their next session, all such papers and monies as aforesaid; and if the said township officers or sheriff, after receiving such notice, shall neglect or refuse to deliver over such monies and papers, each party so offending shall forfeit the sum of two hundred dollars, to be recovered by action of debt in the circuit court in the county in the name of said board, for the benefit of roads within the county, and the said board shall place all monies received by the authority of this section of the law, to the credit of the road fund of the county, to be applied to open and repair the roads in each and every township in which the same shall have been collected.

This act to take effect, and be in force from and after its passage.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 3, 1817—APPROVED,

JONATHAN JENNINGS.

## CHAP. IX.

### *AN ACT to regulate elections.*

§ 1. *BE it enacted by the General Assembly of the State of Indiana,* That the board of county commissioners, at their first meeting in each and every year, shall appoint for every township within their respective counties, one respectable elector, residing therein, as an inspector of elections, who shall serve as such one year, and until another person is appointed to take his place; and shall cause a suitable number of blank forms of poll books, and election returns to be made out at such meeting, (headed and certified, as the nature of the case may be,) for each inspector so appointed; a certified transcript of which appointment, together with the blank forms, they shall give into the hands of the sheriff of the county, whose duty it shall be to forward them to the proper person, at least ten days previous to the next election.

§ 2. Each inspector, shall, previous to the time of opening the election, take to himself, two other qualified voters of his township, who together with himself, shall be judges of elections for such township, during the time such inspector is appointed to serve; which judges shall at each election appoint two suitable persons as clerks of such election.

§ 3. Every inspector and judge of an election shall before such election be opened, be sworn or affirmed that he will faithfully and impartially, do the duties assigned him by law, that he will not knowingly permit any person to vote who is not qualified according to the constitution of this state, nor will he knowingly refuse the vote of any qualified elector, or cause any delay to persons offering

Inspectors of  
elections to be  
appointed

Inspector to  
appoint the  
judges of e-  
lection

Inspectors,  
judges and  
clerks to be  
sworn



to vote, more than is necessary to give satisfactory information of the qualification of such person as a voter, and if no person present is authorised to administer oaths or affirmations, then one of the judges shall swear or affirm the inspector, and the inspector being sworn or affirmed, shall swear or affirm the other judges; the inspector shall also swear or affirm the clerks of election faithfully and impartially to discharge their duties as clerks of election.

Inspector failing to attend, the voters may appoint one.

§ 4. It shall be the duty of the inspector of elections, to attend at the place of holding elections in his township, on or before nine o'clock of the morning of the day of election, and if no inspector should appear by that time, then the voters of the township present shall appoint an inspector, who shall be governed in all things, as is herein directed for inspectors, appointed by the commissioners and any vacancy, that may happen in the appointment of a judge or judges of election shall be supplied by the inspector, as in the first instance.

Polls to be opened, and when

§ 5. All elections shall be opened between the hours of nine and eleven o'clock of the day of election and continue open until four o'clock in the afternoon of said day, after which hour the judges may close the polls at any time when all the voters present have voted or had an opportunity of voting, but shall not be compelled to wait more than fifteen minutes without a vote, until they close the polls, nor shall the polls be kept open after six o'clock.

Penalty on those voting or attempting to vote in different townships.

§ 6. Each qualified elector may vote once and no more, and if any person shall attempt to vote more than once or to hand in two or more tickets folded together, or having voted in one township of his county, shall afterwards go into another on the same day and vote or attempt to vote, every person so offending shall on conviction thereof be fined in any sum not exceeding fifty dollars, and shall moreover be rendered incapable of voting or holding any office in this state for the next two years thereafter.

§ 7. It shall be the duty of the inspector before

he proceeds to receive any votes to cause it to be proclaimed aloud, that the election is opened, and when any person offers to vote the inspector shall call out his name and if there be no objection to the qualification of such person as a voter of that county, he shall receive his ticket, and in the presence of the other judges put it into a box to be provided for that purpose, when the name of such person whose ticket is received shall be again distinctly repeated by one of the other judges in the presence of the clerks; each of whom shall keep a separate list thereof numbering every name taken down so that it may be seen at any time whether their lists agree, and if any inspector, judge or clerk of election shall attempt or pry into, or find out the names of any persons on a ticket that is handed in folded, or expose any such vote, he or they so offending shall be liable to the same penalty as contained in the nineteenth section of this act.

§ 8. Every ticket handed in, shall contain the name of every candidate, such voter intends voting for, either in writing or print, designating the office to which he wishes each to be elected, and if more persons are designated to any one office than there are candidates to be elected, such part of the ticket shall not be counted to either of them; but no ticket shall be lost for want of form, if the judges of the election can determine to their satisfaction, the person voted for, and the office intended to be elected to.

§ 9. If any difficulty should arise in the course of any election hereafter to be held, in determining on the qualification, as a voter, of any person wishing to vote, the inspector of such election is hereby authorised to swear or affirm such person to answer such questions as may be asked him relating thereto, or any by stander, and the judges of said election shall decide from the examination as to the legality of such vote.

§ 10. When the polls are closed or at any time after four o'clock of the afternoon, and the judges are at leisure they may open the box and com-

Further duty of inspectors.

Tickets to be written or printed

Inspector may swear a voter

Inspector and judges shall count the votes



mence canvassing the votes, when the tickets shall be taken out carefully, one by one by the inspector, who shall open them and read aloud the names of each person written or printed thereon, and the office for which every such person is voted for and shall then hand it to one of the judges, who shall repeat the name, and hand it to the other judge who shall string it on a thread of twine prepared for that purpose; but no judge or clerk of election shall vote after they begin to count the votes, nor shall they publish a statement of the polls until it is proclaimed by order of the inspector that the election is closed.

Tickets deceitfully folded may be rejected

§ 11. As the inspector shall open and read the tickets, each clerk shall carefully mark down the votes each candidate shall receive in separate columns prepared for that purpose, with the name of such candidate written at the head thereof and the office he is voted to fill; but if two tickets are found deceitfully folded together they shall both be rejected.

Judges of election to make out a certificate thereof

§ 12. As soon as all the votes shall be read off and counted, the judges of the election shall make out a certificate under their hands, stating the number of votes each candidate received, designating the office for which he was voted to fill, which number shall be written in words at full length, and the certificate together with one of the lists of voters, and one of the tally papers shall be put into the hands of one of the judges of election, who shall, on the ensuing Wednesday deliver the same to the clerk of the circuit court at the court house or place the courts are held of such county (or in his absence to his deputy) who shall, in the presence of all the judges of election who attend from the different townships between the hours of twelve and four o'clock, compare the different returns, and the persons having the highest number of votes for all offices to be elected by the voters of that county only shall be declared to be duly elected; and the clerk of the circuit court, shall forthwith give them certificates of their election accordingly; but if two or

more should be equal in votes, the clerk and judges present, shall decide by lot which is elected.

§ 13. The clerk of the circuit court shall also make out in fair hand, in words at full length, a certificate of the number of votes each candidate for governor and lieutenant governor received according to such return, which certificate he shall seal up and transmit to the speaker of the house of representatives, as directed by the constitution of this state: and a certificate of the return of votes for a representative or representatives to congress, and of the person or persons elected for sheriff or coroner, shall be forthwith forwarded to the office of the secretary of state. It shall be the duty of the secretary of state, on receiving the returns for representatives to congress to compare said returns, and certify to the governor for the time being, the person or persons having the highest number of votes duly elected, whose duty it shall be to give such person or persons a certificate of his or their election, attested by the secretary of state.

Clerk of the c. court shall transmit a certificate of elections & to whom

Secretary of state his duty

§ 14. The list of votes, tally papers and certificate of judges which are directed to be forwarded to the clerk at the court-house or place where the courts are held of the county, shall be preserved by said clerk, to be inspected by any person who may wish to examine the same; and the other papers and tickets shall be preserved and kept by the inspector for the term of six months, for the inspection of any of the voters of the township, who may wish to examine them.

List of votes &c. to be preserved by the clerk.

§ 15. When the seat of any representative to congress, or senator, or representative in the general assembly of this state shall become vacant, the governor, for the time being, shall issue his writ of election to the proper sheriff or sheriffs, commanding him or them to proclaim, that on a certain day, to be designated in said writ, there will be an election held to fill such vacancy, due notice of which proclamation each sheriff shall cause to be given to each inspector of elections in

When vacancies happen governor to issue writ of election.



the several townships throughout his county, and such election shall be governed in all respects as general elections are.

Where two counties compose one district, duty of clerks and sheriffs.

§ 16. When two or more counties shall be joined together to compose one senatorial or representative district, the clerks of the circuit court of each county respectively, shall on the return day of each election for senator, make out a certificate of all votes received by each candidate for senator or representative, and deliver the same to the sheriff, and the sheriff of each county of such senatorial or representative district, shall meet on the Saturday following at the court house of the oldest county in such district, where they shall compare the several certificates, and jointly give the person having the highest number of votes a certificate of his election; but if any two shall be equal and highest in votes, they shall determine by lot which is elected.

Penalty on those attempting to restrain the freedom of elections.

§ 17. If any person shall use any threats, force or violence, or attempt to awe any voter so as to restrain him in the freedom of choice, or offer any fee or reward in meat, drink or otherwise, in order to persuade any elector to vote contrary to his own mind, or shall on the day of election give any public treat, or direct any person to do it on his behalf, every person so offending, shall on conviction thereof, by presentment or indictment, be fined in any sum not exceeding five hundred dollars, and shall moreover be rendered incapable of holding any office of profit or honor for the next two years thereafter.

Ticket boxes to be provided.

§ 18. The commissioners shall provide a sufficient number of ticket boxes at the expense of the county, for the several inspectors, to be kept by them and delivered over to their successors from time to time.

Penalty on clerks &c. neglecting their duty.

§ 19. If any commissioner, sheriff, clerk of the circuit court or inspector, judge or clerk of election, shall neglect or refuse to perform the duties enjoined upon him by this act, or having taken upon himself to perform such duties, shall be guilty of fraud and corruption in doing such duties; he

or they so offending, neglecting or refusing, shall, on conviction thereof, be fined any sum not exceeding five hundred dollars together with costs of suit, by presentment or indictment.

§ 20. Each inspector, clerk or judge of election, shall have credit for one days work on the public roads for every day he shall be employed in attending election.

Compensation to inspectors &c.

§ 21. The commissioners shall allow the clerk of the circuit court, sheriff and returning judge of election, a reasonable compensation for their services, rendered in compliance with the provisions of this act.

Further compensation to certain officers.

§ 22. If any candidate or elector of the proper county choose to contest the validity of any election, or the right of any person proclaimed duly elected in any county, to his seat in the general assembly of this state, such person shall give notice in writing to the person whose election he means to contest, or leave a written notice thereof at the house where such person last resided, within ten days after such election, expressing therein the points on which the same is contested, and shall also give notice to the inspector, judges and clerks of the township or townships where such grounds for contesting the election of any candidate may have arisen; as in case of the person proclaimed duly elected, and shall within the same time give notice to the sheriff of the county who shall thereupon summons the county commissioners of the proper county who shall be severally obliged to attend under the penalty of fifty dollars each, the sheriff shall appoint a place and time for the commissioners to meet within the county, which shall be within twenty days after the election; the said commissioners or any two of them, shall have power to issue subpoenas and compel the attendance of witnesses to give evidence under the penalty of fifty dollars to be levied on each and every delinquent who shall have been duly served with process; and the said commissioners so met, shall hear and certify under seal all testimony relative to said contested election,

Contested elections, proceedings thereon.



to the speaker of the house of representatives, or president of the senate, as the case may be, at their next general assembly.

Who may contest an election and what testimony admissible

§ 23. No person shall contest any election unless he is an elector of that county in which the elections are held, nor shall any testimony be received except such as go to shew malconduct or corruption in some one or more of the inspectors, judges or clerks of the proper county; nor shall any testimony be received which does not relate to the points specified in the notice. Copies attested and sworn to, by the person who delivers or leaves said notices, shall be delivered to said commissioners at the time of their meeting, and previous to their taking any person's testimony.

Repealing section.

§ 24. All laws and parts of laws heretofore in force in this state regulating elections are hereby repealed.

to commence

This act to take effect and be in force from and after its publication.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 2, 1817—APPROVED.

JONATHAN JENNINGS.

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CHAP. X.

*AN ACT for the prevention of Gaming.*

§. 1. *Be it enacted by the General Assembly of the the state of Indiana,* That all promises, agreements, notes, bills, bonds, contracts, mortgages, contracts, securities &c. whatsoever, after the taking effect of this act; when the whole or any part of

the consideration of such promise, agreement, declared null conveyance or security shall be for money or other valuable thing whatsoever, won, laid or betted at cards, dice-tables, tennis-balls, or other game or games whatsoever; or at any horse race, cock-fighting, or any other sport or pastime; or on any wager whatsoever, or for the reimbursing or repaying any money lent or advanced at the time of such play, bet or wager, so to be betted or wagered; shall be utterly void, frustrated and of no effect to all intents and purposes whatsoever, any law, usage or custom to the contrary notwithstanding.

§ 2. That if any person or persons, whatsoever at any time, by playing at any game or games whatsoever, or betting on the hands or sides of such as do play at any game or games, shall loose to any one or more persons so playing or betting, any sum of money or other valuable thing: and shall pay or deliver the same or any part thereof, the person or persons so loosing and paying or delivering the same, shall be at liberty within six months next following to sue for and recover the money or other valuable thing so lost and paid or delivered or any part thereof, from the respective winner or owners thereof, with costs of suit by action of debt founded on this act, to be prosecuted in any court or before any justice of the peace in this state having jurisdiction thereof. In which action it shall be sufficient for the plaintiff to alledge that the defendant is indebted to the plaintiff, or received for the plaintiff's use, the money so lost and paid or converted, the goods won of the plaintiff to the defendants, use whereby the plaintiff's action accrued to him according to the form of this act without setting forth the special matter. And in case the party so loosing such money or other thing as aforesaid, shall not within the time aforesaid bonafide without covin or collusion sue and with effect prosecute for the money or other thing so lost and paid or delivered, it shall and may be lawful to, and for any other person or persons by any such action or suit as afore-

How money lost at play may be recovered, &c.

And how appropriated.



said; to sue for and recover the same with costs of suit against any such winner or winners, for the benefit of the family or next of kin to the person or persons loosing the same, and in case there shall be no such family or kindred for the benefit and use of free schools.

Persons win- shall or may be liable to be sued for monies or o-  
ing money or ther things so won as aforesaid, shall be compelled  
goods com- to answer upon oath, such bill or bills in chancery  
pelled to an- prefered against him or them for discovering the  
swer upon money or thing so won at play as aforesaid: *Pro-*  
oath and dis- *vided however,* Upon discovery and repayment of  
cover the the money or other things so to be discovered,  
same. and repaid as aforesaid, the person or persons dis-  
Discharged covering and repaying the same with cost, shall  
from further be acquitted, indemnified and discharged from a-  
punishment ny further or other forfeiture, punishment, or pen-  
or penalty. alty which he or they may have incurred, by play-  
ing for or winning such money, or other thing so  
discovered and repaid.

Preamble.

§. 4. And to prevent gambling at ordinaries, and other public places which must often be attended with quarrels, disputes and controversies, to the impoverishment of many people and their families, and the ruin of the health and the corruption of the manners of youth, who upon such occasions often fall in company with lewd, idle and dissolute persons who use this way of maintaining themselves: *Be it therefore further enacted,* That if any person or persons shall at any time play in any ordinary, tavern or race-field, or in any booth, arbour, or out house connected with such tavern, ordinary, or race-field, or at other public place at any game or games whatsoever, except games of athletic exercises, or shall bet on the hands or sides of such as do play as aforesaid; every person or persons, upon conviction thereof shall forfeit and pay a sum not exceeding seventy nor less than ten dollars, and shall be bound to their good behaviour with sufficient security in the sum of seventy dollars, for the term of twelve months; and if any person or persons

Persons play-  
ing at taverns  
&c. athletic  
exercises ex-  
cepted.

penalty there  
for.

shall give such security, and afterwards within that time, shall play or bet for any money or other valuable thing whatsoever, such playing or betting shall be deemed a breach of good behaviour, and a forfeiture of their recognizance given for the same

Shall enter  
into recogni-  
zance.  
Penalty on  
forfeiture.

§. 5. That if any person by playing or betting at any game or wager whatsoever at any time shall loose or win to or from another any sum of money or other article of value, the looser and winner shall each, on conviction thereof be fined in a sum not less than three dollars, nor more than twenty dollars, and shall moreover be bound to his or her good behaviour for one year.

Persons play  
ing at any  
game or wa-  
ger.  
Penalty there  
for.

§. 6. If any person or persons whatsoever do or shall at any time or times by fraud, shift, cozenage, circumvention, deceit, or evil practice whatsoever, in playing at or with cards, dice or any other game or games, in or by bearing a part or share in the stakes or wager or adventures in, or by betting on the sides or hands of such as do or shall play, win, obtain or acquire to themselves any sum or sums of money or other valuable thing or things whatsoever, every person so winning by such ill practice, and being thereof convicted upon indictment shall be fined not less than five dollars, nor more than one hundred dollars, and shall moreover be bound to his good behaviour in any such sum, and with such security as the court may approve, for the term of one year.

Person bear-  
ing a part, or  
share in gam-  
bling.

Penalty.

§. 7. That all and every keeper or keepers exhibitor or exhibitors, of either of the gaming tables, commonly called A, B, C, or E, O, tables, billiard tables, or faro bank, or any other gaming table or bank of the same or like kind, under any denomination whatsoever, for the purpose of winning or making money directly or indirectly, for the benefit of any person or persons; shall on conviction thereof, be fined in a sum not less than fifty nor more than two hundred dollars for every such offence, and shall moreover find security for his or their good behaviour, for the term of one year, in the sum of five hundred dollars, and if he

Exhibitors of  
the gaming  
ables A. B.  
C, &c.

Penalty.



or they shall afterwards within that time keep or exhibit either of the said gaming tables or banks, or other gaming tables or banks under any denomination whatsoever, or shall play at any game or games prohibited by this act; such keeping, exhibiting or playing, shall be deemed a breach of good behaviour and a forfeiture of the recognizance given for the same.

Keepers of  
taverns &c.  
liable to fine.

§. 8. If any keeper or keepers, of a tavern or ordinary, or other house of public resort, shall suffer any game or games prohibited by this act, to be played at or within such tavern, ordinary or other house of public resort or any out house appendant thereto, every such keeper or keepers, shall on conviction thereof, forfeit and pay a sum not less than fifty nor more than two hundred dollars: and if any licensed tavern keeper shall be convicted of suffering such gaming in his or her house, he or she in addition to the penalty hereby imposed, shall moreover forfeit his or her license for keeping such tavern, and shall not be relicensed as a tavern keeper for one year from the date of such conviction.

Licensed ta-  
vern keepers  
violating this  
act shall for-  
feit their li-  
cense &c.

Fines impos-  
ed by this act  
how recover-  
able.

§. 9. All fines and forfeitures imposed by this act, shall be recoverable by indictment in any of the circuit courts within this state, before any justice of the peace, when the fine cannot exceed the sum of twenty dollars, but any person considering himself or herself aggrieved by the judgment of any such justice convicting such person of any of the offences mentioned in this act, may appeal to the next circuit court to be holden for the county wherein such conviction may happen: *Provided*, the person or persons so appealing shall within ten days after such conviction enter such recognizances before such justice, in the sum of one hundred dollars, with one or more sufficient securities in a like sum, conditioned that the defendant will make his personal appearance before the court to which said appeal is taken on the first day of the next succeeding term thereof, and not depart without leave of the court, and as soon as such recognizance shall have been entered into;

Party may  
enter into re-  
cognizance.

such justice shall cause to come before him all the material witnesses on the part of the state, who shall be severally recognized in the sum of fifty dollars each, conditioned that they appear before the next circuit court, to which such appeal is taken on the first day of the succeeding term thereof; and not depart without leave of the court; and on such appeal such other and further proceedings shall be had by indictment and trial of such offenders as in other cases.

§. 10. No indictment for any of the offences mentioned in this act, shall be quashed or judgment arrested thereon, for any supposed defect or want of form: *Provided*, Sufficient be set out therein to enable the court to render judgment thereon according to the very right and justice of the case.

Indictment  
shall not be  
quashed for  
want of form.

§. 11. This act shall be so construed in all courts of justice as to advance the remedies hereby provided, and to suppress the mischiefs hereby prohibited.

Construction  
of the act.

§. 12. The presiding judge in all the circuit courts within this state, shall constantly give this act in charge to the grand juries of their courts at the time such grand juries shall be sworn.

Presiding  
judge to give  
this act in  
charge to  
the grand  
jury.

§. 13. All fines and forfeitures imposed by the authority of this act, shall be collected and paid over as other fines are, to the treasurer of the proper county within twenty days after the collection thereof, to be applied to the use of seminaries of learning in the county in which such fines and forfeitures are respectively assessed.

Fines impos-  
ed by this act  
how collected  
and appropri-  
ated.

§. 14. *Be it further enacted*, That it shall not be lawful from and after this act shall take effect, for any person or persons to bring or cause to be brought within this state any playing cards as merchandize on pain of forfeiting for every pack or deck of cards so brought in for merchandize or other purposes, a sum not exceeding three dollars, to be recovered before any justice of the peace, and appropriated according to law.

Penalty for  
bringing play-  
ing cards into  
the state.

§. 15. It is hereby made the duty of the judge-



Whose duty it shall be to enforce the penalties of this law.

Consequence of their neglect.

Repealing section.

to commence

es of the supreme court, circuit court, justices of the peace, prosecuting attorneys, sheriffs, coroners, constables, or any other peace officers, when they are informed upon oath, of the commission of any of the offences enumerated in this act, to prosecute or cause the offenders to be prosecuted, and if they shall neglect or refuse to prosecute or cause to be prosecuted, such offenders, any such person or persons so offending shall forfeit his or their office upon conviction by indictment in any court of competent jurisdiction.

§ 16. All parts of acts coming within the purview of this act, shall be, and the same are hereby repealed: *Provided*, That nothing in this act contained, shall be so construed as to repeal any acts or parts of acts relating to offences committed or done before the commencement of this act.

This act shall commence and be in force from and after its publication.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 30, 1816—APPROVED,

JONATHAN JENNINGS.

## CHAP. XI.

*AN ACT to regulate the inspection of Tobacco.*

§ 1. *BE it enacted by the General Assembly of the State of Indiana*, That no person shall ship Tobacco to be exported, but in hogsheads inspected, on board of any boat or vessel, or receive on board of any boat or vessel, in order to be exported therein, any tobacco, not packed in hogsheads upon any pretence whatever, nor in any hogshead

to be in that or any boat or vessel exported out of this state; before the same shall have been inspected or received according to the directions of this act; but that all tobacco hereafter to be received or shipped on board any boat or other vessel of what kind soever for the purpose of exportation, shall first be inspected at some legal warehouse in the manner hereinafter prescribed, and shipped or received from no other, under any pretence whatsoever.

§ 2. Inspections of tobacco shall be established at such places as the county commissioners of the several counties may establish.

§ 3. All tobacco which shall be brought to any warehouse legally established as such, shall be received and inspected by two persons to be thereunto appointed, in the manner hereinafter prescribed, who shall be called inspectors of tobacco.

§ 4. It shall be the duty of the county commissioners to appoint three suitable persons as inspectors at each place of inspection authorised by this act; and who shall before entering upon the duties of the said office, enter into bond with good security, in the penalty of one thousand dollars, payable to the Governor for the time being and his successors in office, with condition of the faithful performance of his duty according to the directions of this act; which bond shall be recorded in the recorder's office of the proper county, on which suit may be brought by any person injured for damages. And every such inspector shall take the following oath before he enters on the duties of his office; (that is to say) "you do swear or affirm that you will diligently and carefully view and examine all tobacco brought to the ware house herein appointed as such, and to which you are appointed inspector, and that you will not receive or pass any tobacco, that is not in your judgment, sound, well conditioned and merchantable, nor refuse any tobacco that is sound, well conditioned and merchantable; and that you will not change or give out any tobacco other than such for which the receipt to be given

Inspections of tobacco established, by commissioners.

Tobacco to be inspected, and by whom

Three inspectors to be appointed.

Who shall enter into bond.

Oath of office prescribed.



was taken; but that you will in all things faithfully discharge your duty as inspector according to the directions of this act without fear, affection or partiality, "so help you God," which oath shall be administered by any person authorised to administer oaths, a certificate of which oath shall be filed in the clerk's office of the circuit court (by the person administering the same) of the county wherein such inspector shall be appointed.

Scales and weights to be provided.

§ 5. It shall be the duty of the proprietor of any ware house or warehouses herein before appointed, or that may be hereafter appointed, to provide for the use of the inspectors a good and sufficient pair of scales with weights to weigh at least fifteen hundred weight, and a set of smaller weights the same that are or ought to be provided for the standard weights of each county; and that it shall be the duty of the inspectors at the several ware houses, at the first session of the board of county commissioners, to be held in each year for their respective counties, to produce and render into the respective boards of county commissioners an exact account under their hands, of the number of hogsheads of tobacco, inspected at their respective ware-houses, the preceeding year and of the condition of the scales, and weights belonging to the same, together with the state and capacity of the ware-house: and thereupon if the board of county commissioners shall not be satisfied that the scales, and weights, belonging to the said ware-house or ware-houses, are sufficient and legal, or that the said ware house or ware-houses are not sufficient to contain in safe keeping the tobacco inspected in them, that such board of county commissioners shall immediately enter an order that the owner or proprietor of such ware houses, shall within such reasonable time as the said board of county commissioners shall think fit to allow, repair the scales, and furnish the legal weights of the county; and moreover make such repairs and alterations of the said ware-houses, as in the opinion of the board of county com-

Number of hogsheads inspected, annually to be rendered to the county commissioners.

Together with the state and capacity of the ware-house.

Commissioners may order the proprietors to furnish weights and repair the houses &c.

missioners shall be deemed sufficient for the safe keeping of the tobacco inspected in the same.

§ 6. All inspectors to be appointed by virtue of this act, shall attend at the ware houses under their charge, whenever called on for that purpose except on Sundays, or when hindered by sickness to inspect, receipt for or to deliver such tobacco as may be for inspection, or delivery at the ware-house or ware-houses, under their charge; and that every inspector neglecting to attend as aforesaid, shall forfeit and pay to the party injured five dollars for every neglect, and shall be also liable to pay such damages to the party injured as he may have sustained from such neglect, with costs of suit; and that all persons may have equal justice at the said ware-houses, the inspector shall enter in a book to be kept for that purpose the marks and owners names of all tobacco brought to their respective ware-houses for inspection, as the same shall be brought in, and shall view and inspect the same in due turn, as it shall be entered in such book, without partiality, and shall uncase and break every hogshead of tobacco brought them to be inspected as aforesaid; and if such tobacco shall be sound, well conditioned and merchantable, it shall then be weighed in scales with weights of the lawful standard, and the hogsheads shall be stamped or marked in the presence of the inspectors, or one of them, with the name of the ware-house, at which inspected, and also the tare of the hogshead, and the quantity of net tobacco therein contained, and the inspectors at such ware-houses shall issue a receipt for each hogshead of tobacco they shall pass; which receipt shall describe the weight, number, and stamps marks of each hogshead so inspected.

Time inspectors are to attend.

Penalty for not attending

Tobacco to be entered in a book as brought in.

And inspected in turn. Each hogshead to be uncased and if sound and merchantable, to be stamped, marked and receipts given therefor.

§ 7. When any tobacco shall be refused by the inspectors the proprietor thereof shall be at liberty to separate the good from the bad within one month after such refusal, after which time it shall be lawful for the inspectors to cause the said refused tobacco to be picked, and reprised and to



give the owner thereof credit for so much thereof as shall be found merchantable, after paying the pickers one fifteenth part of the quantity saved; and the inspectors shall cause the tobacco refused as unfit for market to be burnt under the penalty of ten dollars to be recovered before any justice of the peace with costs of suit, one half to the informer, and the other half to the use of the county. *Provided*, That nothing contained in this section, shall prevent the owner of such tobacco as may have been refused to remove the same from the said inspection at his own risk after paying all the fees authorised by this act.

Regulations for packing tobacco.

Size of tobacco hogsheads

§ 8. For restraining the practice of mixing trash with tobacco, and of packing it in unsizable hogsheads; no tobacco whether the same be packed loose or in bundles, shall be accounted lawful unless the same be packed and prized in hogsheads measuring fifty two inches in the length of the stave and thirty two inches at the head within the crow, making reasonable allowances for prizing which allowances shall not exceed two inches above or below the gauge in the prizing head. But the owner of tobacco packed in hogsheads contrary to these dimensions, shall be obliged to repack the same in sizeable hogsheads, at his own charge before the same shall be received, or marked, or stamped by the inspectors.

Inspector if required shall give a receipt for tobacco.

§ 9. The inspectors of tobacco in the several ware houses in this state shall immediately on the delivery of every hogshead of tobacco at the warehouse where there are inspectors, give a receipt for such tobacco if required by the proprietor or person bringing the same to the said warehouses, expressing therein the receipt is for uninspected tobacco; every inspector refusing so to do, shall forfeit and pay to the owner of such tobacco, the sum of five dollars.

Warehouse rent, rate thereof.

§ 10. The rents of the several warehouses established by this act, shall be and they are hereby fixed at fifty cents for every hogshead of tobacco that shall be received and inspected, and delivered

out of such warehouse respectively; and there shall be paid to the proprietors of each warehouse, for all tobacco lying there more than twelve months at the rate of four cents per month for each hogshead, to be paid by the shipper thereof at the time of shipping the same, which several rents shall be collected by the inspectors for the use of the proprietors; and the inspectors shall be entitled to receive seventy-five cents for each hogshead of tobacco waggoned and delivered, and one dollar for each hogshead rolled as aforesaid, to be paid in like manner as warehouse rents are, and to be divided between the acting inspectors as their full fee for inspection, and no inspector shall receive a salary or other fee, except what is allowed by this act.

§ 11. When any new inspectors shall be appointed at any of the said warehouses, their predecessors shall, and they are hereby required to transfer to such new inspectors all books and papers belonging to the same, and the said new inspectors are also required to give to the person or persons whom they shall succeed, a receipt with his or their hands subscribed, descriptive of all the books, papers, tobacco, &c. which they shall have received from the same.

§ 12. The proprietor or proprietors, inspector or inspectors, and all other persons who may by law be concerned in any of the warehouses established by this act; shall discharge all the duties herein assigned to them respectively; and for every neglect of the same, he or they, shall be liable to the party injured; in an action on the case to be brought in any court having jurisdiction of the same; and that all penalties and forfeitures in this act contained, and not herein before particularly appropriated, shall be applied to the support of the seminaries of the respective counties where such offence shall have been committed, which shall be recovered with costs by action of debt in any court of record within this state, where the penalty may accrue on any instrument in writing, given by the party in the discharge

Inspectors their fees.

New inspectors shall receive all books papers &c. giving a receipt therefor

Proprietors & inspectors liable for neglect of duty.

Appropriation of fines, and penalties.



General proviso. of the duties herein before assigned. *Provided nevertheless*, that nothing in this act contained, shall be so construed as to prevent any person or persons, from sending to market, any tobacco which he or they may have on hand at any time before the necessary number of warehouses and inspectors are erected and appointed, and until the necessary weights and scales are provided as directed by this act; nor to prevent any person or persons from sending to market or selling any quantity of tobacco which may be manufactured in such quantities and in such casks or kegs as he or they may think proper.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 27, 1816—APPROVED,

JONATHAN JENNINGS.

## CHAP. XII.

*AN ACT to prevent waste on lands reserved for the use of schools and salt springs.*

Commissioners to appoint superintendents of school sections. §. 1. *Be it enacted by the General Assembly of the the state of Indiana*, That the board of commissioners of each county in this state are hereby authorised and directed, at their first term to be holden after the first day of February next, or at any time thereafter to appoint some fit person resident in each congressional or fractional township in which a section of land is reserved for the use of schools as a superintendant of the school section in such township: *Provided however*, That if there should be no fit person resident in any township,

then the superintendant shall be appointed in some other township, most convenient thereto, and whenever a part of a congressional township, shall be in one county and part in another, the appointment of the superintendant shall be made by the commissioners in the county where the greatest part of such school section lies.

§. 2. *Be it further enacted*, That it shall be the duty of the superintendant, to take special charge of the section intrusted to his care, and if no improvement shall have been made, nor to be made thereon by virtue of any existing contract, he may lease such section or any part thereof to the best advantage, for the benefit of the inhabitants of said township, for any term of time not exceeding seven years, taking bond in his own name, with sufficient security as superintendant for the performance of the contract and preservation of the timber, provided there shall not be more than one lessee on each quarter section.

§. 3. If any lands shall be now or hereafter cleared by any existing contract on such section, he shall after the expiration of such contract, rent such cleared land from year to year, or for any term not exceeding three years, for the best price that can be had; and shall take bond in his own name as superintendant for the use of the inhabitants of said township, with sufficient security from the person or persons renting the same, conditioned for the payment of the rent and the preservation of the improvement and timber thereon, except such as may be necessary for the use of the farm; and the lessee or lessees of any such improved land, shall set out, each year, twenty-five apple trees and twenty-five peach trees on such part of the land as may be directed by the superintendant or trustees herein after mentioned and take a reasonable care of the same: *Provided* there shall not be a greater number of each kind than one hundred, and that the person so planting and preserving

Superintendant to take charge of and lease said sections.

Superintendant may rent improved lands.

Lessee to make certain improvements.



the same be allowed a reasonable discount from his rent for so doing.

Lessee committing waste liable to suit.

§ 4. If any person or persons having leased any of the lands aforesaid, reserved for the use of schools, shall commit any waste thereon, or shall cut down, or in any way injure or destroy or make use of any more timber than may be necessary for the purposes specified in the lease, and in conformity thereto, he or they so offending shall be prosecuted by such superintendant or trustees as herein after mentioned, before any court of competent jurisdiction for the damages sustained. Each superintendant shall hold his appointment for two years unless superseded by trustees as hereinafter mentioned, and in such case he shall deliver to his successor in office or trustees aforesaid all money or papers he may have relative to his office, and shall receive for his services such compensation as the board of commissioners may deem reasonable.

Inhabitants of a congressional township may be incorporated and how.

§ 5. Whenever twenty householders inhabitants of any congressional or fractional township in which a section has been reserved for the support of schools shall by petition or otherwise make known to the board of commissioners their desire to be incorporated it shall be the duty of said commissioners to direct the sheriff to advertise in at least three of the most public places in said township an election in said township to elect three trustees, one to be designated treasurer of said board, specifying the time and place of holding said election; also to direct the most convenient justice of the peace to attend, who shall take to his assistance two qualified voters who shall act as judges of said election, and the judges and justices aforesaid shall count the tickets and give to each person elected trustee a certificate of his election, and also transmit one to the clerk of the board of commissioners who shall preserve the same; and the trustees so elected on taking an oath or affirmation faithfully and impartially to discharge the duties enjoined on them by law, shall be considered a body cor-

porate in deed and fact, and able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of justice; and shall have full power to make all such bye laws, rules and regulations not inconsistent with the constitution and laws of this state, as may be necessary for the purpose of encouraging and supporting school or schools in said township, and shall hold their offices for three years, and until superseded by others chosen as aforesaid.

§ 6. Whenever any vacancy happens in the board of trustees by death, resignation or otherwise, the remaining trustees or any one of them shall advertise an election to fill such vacancy which election shall be held and conducted in the same manner as is directed by the fifth section of this act.

Vacancy in the board of trustees how filled.

§ 7. *Be it further enacted*, That James Gregory, of Orange county, is hereby appointed superintendant for the eighth township north of the base line range one, west of the principal meridian granted to this state by the United States for the use of a seminary of learning; and Adlai Campbell, of the same county is hereby appointed superintendant for the thirty six sections of land situated in range two west, in towns one and two north generally known by the name of the French Lick, reserved in Orange county, and in case of vacancy in the said superintendancies or either of them, in the election above mentioned by death, resignation or otherwise; the governor is hereby authorised to supply such vacancy, and to appoint some fit person as superintendant of any other lands reserved or which may hereafter be reserved according to law, for the use of salt springs and granted by the general government to this state, which superintendants so appointed by the governor, shall be persons residing as near as may be to the lands which they are to superintend, the said superintendants in this section mentioned shall hold their offices for three years, and until successors may be appointed, and shall take

[Superintendants appointed by this act

Governor to fill vacancies,



Duty of such good care of the lands they may respectively have in charge and grant leases thereon, or any part thereof by quarter sections for any term of time not extending beyond the year eighteen hundred and twenty, as it respects the said eighth township, and for any term of time not exceeding five years, as it respects the said French Lick reserve; and the said other lands reserved for the use of salt springs as aforesaid, taking bonds and security in their own names as superintendants for the performance of the contract and the preservation of the timber, and pay the proceeds at proper times to the treasurer of the state; and the said lessees of any lands mentioned in this section of the act, shall, in case of waste or destruction of timber, be subject to the same penalties, as hereinafter mentioned.

Penalty on persons injuring the timber on reserved sections.

Appropriation of such penalties.

§ 8. If any person or persons shall bark, bore, cut or otherwise injure any tree or sapling not warranted by contract on any of the lands aforesaid, he or they so offending shall pay the sum of five dollars for every tree, and three dollars for every sapling so cut, barked, bored or injured, to be recovered before a justice of the peace in the name of the superintendent, the informer shall be admitted as a competent witness at the trial. Penalties arising from a breach of any of the provisions of this act, where the injury has been done to lands reserved for the use of salt springs or a college township shall go to the use of the state and into the state treasury by the officer collecting the same; and where the injury has been done to a school section in any congressional or fractional township to the benefit of the schools established in such school section, and paid by the officer collecting the same into the county treasury, to be thence drawn out upon the order of the trustees appointed or hereafter to be appointed for such school section.

Compensation to superintendents. § 9. The superintendents of the lands mentioned in the seventh section of this act shall receive a reasonable compensation for their ser-

vices to be determined by the governor and paid out of any monies in the treasury not otherwise how made, appropriated.

All acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 24, 1816—APPROVED,

JONATHAN JENNINGS.

### CHAP. XIII.

*AN ACT providing for the commissioning of Sheriffs and Coroners.*

§ 1. BE it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the Governor, as soon as the nature of the case will admit, to commission the several persons, returned as elected for sheriffs and coroners in the several counties in this state, at the general election held on the first Monday of August last, which commissions he shall cause to be forwarded to the clerks of the circuit courts in the several counties where such sheriffs and coroners shall respectively reside. Persons re- turned elect- ed to be com- missioned & commissions sent to the clerks of cir- cuit courts in the sever- al counties.

§ 2. It shall be the duty of the clerk of the circuit court in each county on the receipt of a commission for a sheriff or coroner to give notice thereof to such person elected as sheriff or coroner, and to notify such person to come forward and give bond and security for the faithful discharge of the duties of his office. Clerk to noti- fy person elected to come forward and give bond and security.

§ 3. It shall be the duty of the clerk of the circuit court, to take of the Sheriff elect a bond condition of with two or more securities, to be approved of bond. Penalty and condition of bond.



by the two associate judges in the sum of five thousand dollars, payable to the Governor for the time being or his successors in office, conditioned for the faithful discharge of his duty and for the safe keeping and delivering over according to law, to the proper persons, all sums of money that may come into his hands by virtue of his office ; and of the coroner elect in the sum of two thousand dollars payable as aforesaid, for the faithful discharge of his duty, and for the safe keeping and delivering over according to law, to the proper persons, all sums of money that may come into his hands by virtue of his office ; which bonds shall be forthwith recorded in the recorder's office of the proper county, and filed in the office of the circuit court of the respective county in which they are taken ; and it shall be the duty of each of the clerks of the circuit courts, on the same being filed in his office, to transmit a certified copy thereof to the office of the secretary of state to be by him preserved. That in all motions, or suits, to be made or brought upon such bond against any sheriff or coroner in the name or for the use and benefit of the state, or any individual thereof, such copy filed as aforesaid shall be sufficient evidence of the existence of such bond, and the same proceeding may be had thereon as on the original bond.

Bond to be recorded in recorder's office and filed in office of circuit court.

Clerk to send certified copy to the secretary.

On motions or suits such copy evidence of the existence of bond and to be proceeded on as the original.

Clerk to administer oaths or affirmations.

Circuit court may require additional bond &c.

§ 4. The clerk of the circuit court is hereby authorised to administer to every person who is commissioned as sheriff or coroner after such person has given bond and security as required by this act, the several oaths or affirmations required by the constitution and laws of this state, which he shall certify on the back of such commission, and file a copy of such certificate in his office, which commission so certified, shall be sufficient authority for the person thus qualified, to perform all the duties that belong to his office : *Provided however,* The circuit court, when in their opinion it becomes necessary, may require of such sheriff or coroner, an additional bond, in

such sum and with such security as they shall deem sufficient.

§ 5. Sheriffs and coroners shall be commissioned to serve two years from and after the time of their election and until successors are chosen and qualified. *How long to serve.*

§ 6. Whenever the General Assembly shall lay off a new county the Governor shall appoint and commission a sheriff and coroner to act as such, until the next general election, and until successors are chosen and qualified. *Governor to make appointments in new counties.*

§ 7. If any vacancies shall happen in the office of sheriff or coroner, or if any person elected as sheriff or coroner, shall neglect or refuse to give bond and security as required by this act, or shall refuse to qualify, the Governor shall appoint and commission, as soon as he shall be informed thereof a person to supply such vacancy until the next general election, and until a successor is chosen and qualified. *Governor to fill vacancies.*

§ 8. Every person hereafter elected or appointed in conformity to the provisions of the fifth section of this act, to the office of sheriff or coroner shall be commissioned, give bond and security and be qualified into office in all respects as is directed in this act. *Persons elected to be commissioned give bond and security.*

§ 9. The coroner shall perform the duties of sheriff in all cases where the sheriff is interested or prejudiced, and also in case of vacancy by death, resignation or otherwise, in the office of sheriff, the coroner shall perform the duties of such office, until a sheriff is appointed or elected and qualified, according to the provisions of this act. *When Coroner to perform the duties of sheriff.*

This act to take effect from and after its passage.

ISAAC BLACKFORD,  
*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,  
*President of the Senate.*

DECEMBER 20, 1816—APPROVED.  
JONATHAN JENNINGS.



## CHAP. XIV.

*AN ACT to provide for the election of county and Township officers.*

County and township officers to be elected.

§ 1. *BE it enacted by the General Assembly of the State of Indiana*, That there shall be an election held in each and every county in this state, on the first Monday of February next, for the purpose of electing two associate judges, one clerk of the circuit court, one recorder, and three county commissioners for each county, which election shall be held and conducted in all respects, according to the laws of this state, regulating general elections.

Sheriff to make return of the election.

§ 2. It shall be the duty of the sheriff of the proper county to forward the return of the election, within ten days after the result of the election is officially made known in the county, for associate judges, clerk of the circuit court, and recorder of the county, to the office of secretary of state, whereupon it shall be the duty of the Governor, to commission such officers in the same manner that sheriffs and coroners are directed to be commissioned, by an act providing for commissioning sheriffs and coroners.

Commissioners to lay off townships.

§ 3. The county commissioners of each county at their first meeting after being elected, shall lay off their counties respectively into a suitable number of townships, describing the bounds thereof, which they shall cause to be fairly recorded, and shall from time to time thereafter, make such alterations and additional townships as they may think proper: *Provided however*, no new township shall be laid off without an application from at least thirty citizens residing within the bounds of such intended new township by petition: said petitioners or some one of them having published such intention of applying for a new township, by setting up a written notice thereof in three of the most public places within such bounds, thirty days before such application is to be made: *Provided*,

that the board of county commissioners of the several counties in this state, shall not lay off more than eight townships in their respective counties; and *provided also*, that not more than twenty justices of the peace shall be elected or commissioned for any one county.

Commissioners shall order an election, & assign the number of Justices to each township.

§ 4. After the board of commissioners shall have laid off their counties respectively, into a suitable number of townships as above directed, they shall order an election in each, on such day as they may direct, for such number of justices of the Peace not exceeding three, as shall be assigned by them to each township; which election shall be held and conducted in all respects, according to the laws of this state regulating elections, and the person having the highest number of votes (to the number to be elected in such township) shall be elected: the returns of which election shall be made to the clerk's office of the circuit court, in the same manner that returns of the general elections are made, whereupon the clerk of such court shall forward to the office of the secretary of state, a certified copy of the list of persons elected as justices of the peace in each township of such county, which justices of the peace shall be commissioned by the Governor and qualified into office in the same manner that associate judges are directed to be commissioned and qualified.

Commissioners may order an additional number of Justices.

§ 5. When in the opinion of the board of county commissioners, it shall be necessary, they may order two additional justices of the peace to be elected at each county seat, who shall reside therein: *Provided however*, all the electors of the townships shall be entitled to vote for such justices.

Sheriff to appoint inspectors.

§ 6. In order to carry this act completely into effect, the sheriff of each and every county within this state, is hereby authorised and required to appoint an inspector in each township or election district in their respective counties, and notify them of such appointment, divide townships if necessary, and fix on the place of holding



elections therein ; which inspectors so appointed, shall have the same powers, perform the same duties, and be subject to the same penalties as is provided in case of inspectors appointed by the board of commissioners.

The present justices to continue in office until superceded.

§ 7. All justices of the peace that were commissioned by the Governor of the late Indiana Territory, and are now in office who reside within the bounds of any new county laid off, or to be laid off during the present session of the general assembly, shall continue to exercise the duties of their respective offices in such county or counties, until they are superceded by justices of the peace elected according to the provisions of this act.

Officers of a new county when & how elected.

§ 8. When any new county shall hereafter be laid off, it shall be the duty of the qualified electors therein, to meet at such places, in their respective counties as may be appointed by the sheriff thereof on the 4th Monday after the time such new county shall have taken effect and elect two associate judges, one clerk of the circuit court, one recorder, and three county commissioners, as provided in the first section of this act.

Vacancies in the office of justice of peace how filled.

§ 9. Whenever any justice of the peace shall remove from and out of the township wherein he shall have been elected, his office shall be vacated, and the commission of such justice of the peace shall be of no force or authority for him to act in any other township in such county. In case of the death or resignation of any justice of the peace, or the removal of any justice of the peace from and out of his township, it shall be the duty of the county commissioners or any two of them, upon written application, signed by twelve householders residing in the township, for which such justice of the peace was commissioned, to order an election to supply such vacancy to be conducted in manner herein providing for the election of justices of the peace.

Commissioners when and

§ 10. The county commissioners after the first election shall be elected in each and every county on the first Monday in August annually at

the same time and place, and in the same manner that representatives to the general assembly of this state are elected : *Provided however*, That there shall be no commissioners elected at the annual election to be held on the first Monday of August, one thousand eight hundred and seventeen, unless it be to supply some vacancy that may happen by death or resignation. how to be elected.

ISAAC BLACKFORD,  
*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,  
*President of the Senate.*

DECEMBER 24, 1816—APPROVED,  
JONATHAN JENNINGS.

## CHAP. XV.

### *AN ACT to establish a board of County Commissioners.*

§ 1. *BE it enacted by the General Assembly of the State of Indiana*, That there shall be and hereby is organized in each county in this state, a board of commissioners, for transacting county business to consist of three qualified electors, any two of whom shall be competent to do business, to be elected by the qualified electors of the several counties respectively (one of whom shall be elected annually to continue in office three years) and until their successors are chosen and qualified. County commissioners to be elected & continuance in office.

§ 2. At the first election in pursuance of this act, there shall be elected three commissioners, the person having the highest number of votes shall serve for three years, the person having the next highest number of votes, shall serve two years, and the person having the next highest number of votes, shall serve one year, but if two or more shall be equal in number, their grade shall be determined by lot. Their number and grade



To take oath  
or affirmation

§ 3. Each person elected as a commissioner shall on receiving a certificate of his election, take the oath or affirmation required by the constitution of this state, before some person legally authorized to administer the same, which oath or affirmation being certified on the back of such certificate under the hand and seal of the person administering the same, shall be sufficient authority for such commissioner to take his seat with, and act as a member of the board during the time for which he is elected, and until his successor shall be qualified or sworn into office.

Considered a  
body politic

§ 4. The commissioners thus elected and qualified, shall be considered a body politic and corporate, and as such, in all matters wherein the county is concerned, may sue, and be sued, plead and be impleaded, answer and be answered unto, and do and transact, on behalf of said county all business that shall be assigned to them by law.

Where and  
when to meet  
how long to  
sit.

§ 5. The board of commissioners shall meet at the court house in each and every county, for the purposes aforesaid on the second Monday of February, May, August and November, in each and every year, and shall continue in session three days at each meeting if the business require it: *Provided however*, if the circuit court shall meet on any of the before mentioned days, the commissioners shall not meet until the Monday following.

Proviso.

Clk of court  
and shff to at-  
tend them.

§ 6. The clerk of the circuit court, shall by virtue of his office attend the meeting of the board of commissioners, and keep a record of their proceedings, and do such other business as he shall be required by law to do; and the sheriff of the county shall also by himself or deputy, attend said board and execute their orders.

When ques-  
tions to be  
continued.

§ 7. When only two commissioners shall be present at the meeting of the board, and a division shall take place on any question, it shall be continued until their next meeting before it shall be finally determined.

How vacan-  
office of commissioner, the circuit court of the

county, or the two associate judges in vacation, shall appoint a suitable person or persons to fill such vacancy until the next annual election for commissioners, when such vacancy shall be filled by an election of the electors of the county.

§ 9. The commissioners of each county shall have and use one common seal, for the purpose of sealing their proceedings; and copies of the same when signed and sealed by the said commissioners and attested by their clerk shall be good evidence of such proceedings on the trial of any cause in any of the courts within this state. The commissioners aforesaid at their session in the month of November, in every year shall make out a fair and accurate statement of receipts and expenditures of the preceeding year, and have the same set up at the court-house door and at two other public places in their counties respectively within ten days after their said session. And if the said commissioners after accepting their appointment shall neglect or refuse to do his or their duty in office, he or they so offending shall on conviction by indictment before the circuit court of the proper county be fined for every such offence in any sum not exceeding one hundred dollars.

To have a  
common seal,  
proceedings  
signed & sea-  
led evidence  
in courts.

Statement of  
receipts and  
expenditures  
of former  
year, when to  
be made.

Where and  
when to be  
set up.

Penalty for  
failure of du-  
ty.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 17, 1816—APPROVED,

JONATHAN JENNINGS.



CHAP. XVI.

*AN ACT respecting the Negotiability of certain Promissory Notes.*

Notes negotiable construed to be due and payable as therein expressed.

To have the same effect & be negotiable as inland bills of exchange

Payee or endorsee to maintain action against makers & endorsers. Proviso.

§. 1. *BE it enacted by the General Assembly of the State of Indiana,* That all notes in writing, negotiable and payable at any chartered bank within this state, made and signed by any person or persons, body politic or corporate, whereby such person or persons, body politic or corporate doth, or shall promise to pay to any other person or persons, body politic or corporate his, her, or their order or unto bearer, any sum of money therein mentioned, shall by virtue thereof be taken and construed to be due and payable as therein expressed, and shall have the same effect and be negotiable in like manner as inland bills of exchange according to the custom of merchants, and that the payees or endorsees of every such note payable to them or their order, shall and may maintain their action for such sum of money against the makers and endorsers of the same respectively, in like manner as in cases of inland bills of exchange: *Provided however,* That nothing in this act shall be so construed as to affect any promissory note or other writing unless the same shall be made negotiable and payable in the first instance at some chartered bank in this state.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 1, 1817—APPROVED,

JONATHAN JENNINGS.

CHAP. XVII.

*AN ACT establishing a county Treasurer.*

§ 1. *BE it enacted by the General Assembly of the State of Indiana,* That there shall be appointed in each and every county within this state a county treasurer.

§. 2. It shall be the duty of the several boards of county commissioners of each county at their first meeting after the first day of February next, and annually thereafter, at their first meeting after the first day of February in each and every year to appoint some respectable citizen, having the qualifications of an elector as county treasurer, who shall give bond and security to the satisfaction of the said board of county commissioners, conditioned for the faithful discharge of the duties of his office, and to account for all monies which may come into his hands as county treasurer, and that he will deliver unto his successor in office all books, papers, documents and other things which he may hold by virtue of his office, and pay him the balance of all monies due to the county.

§ 3. It shall be the duty of the treasurer to receive all monies due and accruing to the county by or in consequence of this act, or any law or act of this state, to pay and disburse the same on orders drawn by the board of county commissioners of the proper county attested by their clerk and not otherwise; the said treasurer shall keep a just and true account of all monies received and disbursed, and hold and keep the same at all times ready for the inspection of said board of county commissioners, and shall at every term of said board furnish them with a statement thereof, balanced to the first day of said term shewing all the monies received and disbursed by him since his appointment or since his last settlement, and the balance remaining in his hands, together with the arrearages of taxes in the hands of the col-

County treasurer to be appointed.

County commissioners shall appoint a treasurer & when.

Who shall give bond & security.

Condition of the bond.

Duty of the treasurer.

Further duty of the treasurer.



shall settle his accounts annually.

For neglect or malfeasance, may be removed from office.

Persons wishing to vend merchandize of foreign manufacture or growth, shall pay to the county treasurer, at certain rates.

Treasurer shall receipt therefor.

Clerk shall issue a license from thereof.

lector; and shall moreover, once in every year settle his accounts with the said board of commissioners and produce his vouchers which being allowed, shall be cancelled by them and retained and filed by the clerk of said board of commissioners. The county treasurer shall be subject to be removed from office by the commissioners of the respective counties for neglect or misconduct in office; and in case of the death, removal from office, or removal from the county of any county treasurer, the commissioners of such county or any two of them are hereby authorised and required to appoint some suitable person to fill said office in his place.

§ 4. That hereafter, any person or persons within or coming to this state, being the owner or possessor of any species of merchandize, not the product or manufacture of the United States, and wishing to dispose of the same or any part thereof, shall, previously to selling or otherwise disposing of the same or any part thereof either by himself or his agent within this state, or on any of the waters within or bounding the same, pay to the county treasurer of the county in which he, she, or they may wish to dispose of the said merchandize, the sum of seven dollars and fifty cents for three months, twelve dollars for six months, sixteen dollars for nine months or twenty dollars for twelve months, at the option of the applicant; and the said treasurer upon the receipt of either of the said sums for either of the periods above stated, shall give to the person paying the same, a receipt for the amount so paid, stating for what purpose, and the person obtaining such receipt shall deliver the same to the clerk of the board of commissioners, which receipt the said clerk is hereby required to file in his office, and to charge the county treasurer with the amount thereof in a book to be kept by him for that purpose, and to give the person delivering such receipt, a license in the form following:

*State of Indiana*

*County, Sec.*

A B. having this day produced to me the coun-

ty treasurer's receipt for \_\_\_\_\_ dollars, he, she or they (as the case may be) is or are hereby authorised to vend merchandize in this state, or on any of the water-courses thereof or binding thereon, for and during the term of \_\_\_\_\_ months from the \_\_\_\_\_ day of \_\_\_\_\_. Which license shall authorise the person obtaining the same to vend by retail agreeably to the laws of this state, or otherwise dispose of any and every species of merchandize during the time stated in the same and no longer; and if any person shall presume, by himself, herself, or themselves, his, her or their agent or agents to sell or otherwise dispose of any species of merchandize not the growth or manufacture of the United States within this state, or on any of the waters within or bounding the same, without having first obtained a license as aforesaid, he, she, or they so offending, shall for every such offence forfeit and pay the sum of fifteen dollars to and for the use of the county in which the offence may be committed, to be recovered by action of debt, by and in the name of the county treasurer, before any justice of the peace in the county; and it is hereby made the duty of the said treasurer to sue (or any other person in his behalf may sue) therefor, recover and receive the same, to be applied to and for such purposes as may be by law directed consistent with the constitution of this state: *Provided however*, That nothing in the fourth section of this act shall extend to embrace any person who shall have obtained a certificate from the sheriff under the existing laws for the purpose of vending merchandize, or to prevent such person from vending the same agreeably to the tenor of such certificate.

Penalty on those presuming to sell without license.

Treasurer shall sue for the same.

§ 5. It shall be the duty of the clerks of the several boards of county commissioners to keep fair books, wherein shall be kept the accounts of the county, attest all orders issued by the board of commissioners for the payment of money and enter the same in numerical order in a book to be

Duty of clerks of the board of commissioners.

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kept for that purpose, and copy into their said books the report of the treasurer, of the receipts and disbursements of their respective counties; and whenever the duplicate shall be put into the hands of the sheriff for the collection of county levies, it shall be their duty to send a statement of the same wherewith he stands charged to the county treasurer.

Fines & forfeitures, shall be paid over to the county treasurer.

Treasurer to receipt for the same.

Duty of the clerk.

Penalty on justices, sheriffs and clerks.

Taxes from tavern licenses paid to the county treasurer.

Duty of the clerks of the circuit courts

§ 6. It shall be the duty of each and every justice of the peace, clerk or sheriff within this state, to pay over according to law, to the treasurer of his proper county, all such fines and forfeitures which he may have received for the breach of any of the penal laws of this state; and the treasurer shall give the person paying such money a certificate authorising the clerk of the board of county commissioners to give in exchange for said certificate a receipt for the said money, and it shall be the duty of the person receiving such certificate, within ten days after receiving the same to deliver it to said clerk, otherwise it shall be of no force or effect, nor admissible as evidence in any court whatever; and whenever such certificate is lodged with the said clerk within ten days from its date, then, and in that case the clerk shall give to the person entitled, a receipt for the amount paid in as aforesaid to the county treasurer, and charge the treasurer with the same, and file the certificate in his office; *any justice of the peace, sheriff or clerk who shall fail to comply with the foregoing provisions shall forfeit and pay a sum not exceeding fifty dollars to be recovered by indictment in any court of record within the county where such offence shall have been committed.*

§ 7. All taxes arising from tavern licenses or otherwise, shall be paid to the county treasurer in like manner as is prescribed in the foregoing section of this act.

§ 8. It shall be the duty of the several clerks of the circuit courts in the several counties in this state, to make out a statement of the last settlement of the sheriff of their respective counties

and of every preceeding sheriff of such county, who shall not have fully settled up his accounts, for monies, funds, balances of money belonging to the county, and filed in their office, and also a list of all taxes or other county claims assessed by authority of the court for county purposes, county court, or court of common pleas, since the last settlement with the present sheriff of said county, or with any of his predecessors up to the time of the appointment of county treasurer established by this act, distinguishing what portion of such taxes and public claims has been put into the hands of the present sheriff for collection, and what put into the hands of any former sheriff or sheriffs since the last settlement of public monies of such county by the court for county purposes, county court, or court of common pleas with the present or preceeding sheriff of such county.

§ 9. The clerks of the circuit courts shall make out the statement required of them by virtue of this act and deliver the same, together with the names of the securities of every preceeding delinquent sheriff to the county treasurer of their respective counties on or before the first day of August next ensuing, under a penalty not exceeding fifty dollars, recoverable by indictment.

§ 10. It shall be the duty of the present and former sheriffs of the several counties in this state to pay to the county treasurer of their respective counties on or before the first day of May next, the amount of all the taxes which shall have been put into his or their hands for collection by virtue of the existing laws of this state, and for which they have not accounted and settled with the court for county purposes, county court, or court of common pleas of their respective counties.

§ 11. That so soon as the county treasurer of any county shall have received from the clerk of the circuit court a statement of the amount of taxes put into the hands of the sheriff of his county or of any of his predecessors, and which shall

Penalty on clerks failing to perform certain duties

Sheriffs shall pay over the amount of taxes in their hands to the county treasurer.

Treasurer shall notify delinquent sheriffs.



not have been accounted for with the court for county purposes, county court, or court of common pleas of such county in conformity to the tenth section of this act, it shall be the duty of such county treasurer forthwith to notify such sheriff or sheriffs, their executors, administrators (as the case may be) that he will move against him or them at the next ensuing circuit court, for such delinquencies, which notice shall be as follows :

Form of notice.

To A B, sheriff of            county, (or late sheriff, or security, administrator or executor of A B, late sheriff, as the case may be) take notice that I shall on the            day of our next circuit court move for a judgment of said court against you for failing to pay into the county treasury of said county the taxes due the said county by you (or A B, as the case may be) for the year of            as the case may be            day of            C D, County Treasurer.

Notice to be served ten days previous to the siting of the court.

Which notice being served ten days previous to the sitting of the court, the court shall proceed to hear and determine the case and give judgment for whatever sum appears to be due the said county by said sheriff, together with costs, which judgment shall be in the name of the county treasurer, for the use of the county: *Provided however*, That should there appear to be nothing due on a final hearing of the case by any such sheriff or sheriffs, he or they shall nevertheless pay the costs of suit for failing to settle his or their accounts in due time, according to law.

Allowance to the treasurer.

§ 12. The county treasurer shall have for his services two and a half *per centum* for all monies received, and two and a half *per centum* for all monies paid out for the county.

Prosecuting attorney shall

§ 13. It shall be the duty of the prosecuting attorney of the county to aid in the proceeding by the county treasurer against any sheriff for the

non-payment of what sums of money shall be due aid and assist the county, as is directed in the eleventh section the treasurer, of this act.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 1, 1817—APPROVED,

JONATHAN JENNINGS.

### CHAP. XVIII.

*AN ACT providing for the Incorporation of towns in the State of Indiana.*

WHEREAS, from the number of applications to this General Assembly from the inhabitants of different towns in this state, to become incorporated; the granting of charters to each would be productive of much loss of time to this general assembly, and attended with considerable expense to the state in publishing them, and also, unnecessarily swell the code of laws to a large size; therefore,

§ 1. *BE it enacted by the General Assembly of the State of Indiana.* That hereafter, whenever the inhabitants of any town in this state wish to become incorporated for the better regulation of their internal police, it shall be lawful for the qualified voters of such town, who shall have resided six months therein, and pursued any trade or occupation during such time, being also residents, or who shall be the owner of any freehold property in said town, to assemble themselves on the first Monday in the month of March or September, at the court-house or such other place in said town as may be most agreeable to the citizens

The inhabitants of any town wishing to become incorporated may meet & choose a president and clerk of the meeting.



thereof, and when so assembled, they may proceed to choose a president and clerk of the meeting, both of whom shall be sworn or affirmed by any person authorised to administer an oath in this state, faithfully to discharge the trust reposed in them as president and clerk of the meeting.

**The qualified voters to decide and if two thirds vote in favor may be incorporated.**

§ 2. The qualified voters of any town, having assembled and chosen their president and clerk as aforesaid, at the place and time aforesaid, may proceed to decide by vote *viva voce*, whether they will be incorporated or not; and the president and clerk aforesaid, shall certify under their hands and seals, after their votes are given in, the number of votes in favor, and the number against being incorporated, and if two thirds of the whole voters present, shall be in favor of being incorporated, the president and clerk shall make the same known to the voters, and shall deliver a certificate of the state of the polls to the board of trustees to be elected as herein after mentioned.

**If the qualified voters vote in favor of being incorporated they shall meet on Monday following and elect five trustees.**

§ 3. Whenever the qualified voters of any town shall have decided in manner aforesaid, that they wish to become an incorporated body, they may, on the next succeeding Monday, and annually thereafter, on the same day, choose by ballot five freeholders as trustees who shall hold their office for the term of one year, and until other trustees are chosen and qualified, at which first election for trustees the president and clerk of the meeting aforesaid, to ascertain the wishes of the inhabitants of such town, shall preside, and at every succeeding election, the preceding board of trustees shall direct the manner in which the same shall be conducted.

**Vacancies how filled.**

§ 4. Vacancies made by death, resignation or otherwise, shall be supplied by elections in manner hereinbefore directed, by the qualified electors on a day to be appointed by the remaining trustees; and the returns shall be made in such manner as shall be directed by the trustees.

**Trustees elected before they pass a-**

§ 5. Whenever trustees of any town shall be elected in manner as hereinbefore directed, at the first election of trustees for any town, it shall

be the duty of such trustees before they proceed to make any laws or regulations by virtue of their election to office, to deposit in the clerk's office of the respective county, the certificate of the president and clerk of the first meeting of the qualified electors of such town, agreeable to the second section of this act; and also a certificate of the president and clerk aforesaid, of the election of the first board of trustees together with their names: and no act or ordinance of any first board of trustees shall be valid or of any force unless the provisions of this act shall have been strictly pursued.

§ 6. It shall be the duty of the clerks of the several counties in this state, to make a record of such certificate as may be lodged in their offices by any board of trustees agreeable to the provisions of this act, within three months after the same shall have been deposited in their respective offices under the penalty of five hundred dollars, recoverable in any court of record having jurisdiction thereof, for which services they shall be allowed the same fees, to be paid by the trustees as for similar services.

§ 7. The board of trustees of any town elected agreeable to the provisions of this act, shall choose a president out of their own body, and the president and trustees aforesaid duly elected agreeable to the provisions of this act, and their successors in office, shall thenceforth be considered, in law and equity, a body corporate and politic, to have continuance forever by the name and style of the president and trustees of the town

and by such corporate name and style, shall be forever able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court or courts, place or places, or before any judge or judges, justice or justices, or other person whatsoever within this state or elsewhere, in all, and in all manner of suits, actions, complaints, pleas, causes, matters and demands of whatever kind or nature they may be, in as full

ny bye-laws their duty.

**The clerks of circuit courts to record the certificate.**

**The trustees elected as aforesaid created a body corporate and politic.**



and effectual a manner as any person or persons, bodies corporate and politic may or can do.

Their powers to make laws and ordinances for the government of the police of the town.

§ 8. And whenever any town within this state, shall be incorporated agreeable to the provisions of this act, the president and board of trustees or a majority of them, shall have full power from time to time, and at all times, to make, ordain, establish and execute, such bye-laws and ordinances in writing, not inconsistent with the laws and constitution of this state, as they shall deem useful and necessary for the good government of said corporation, and to prevent and remove nuisances, to restrain and prohibit gambling, to provide for licensing, regulating or restraining theatrical or other public shews or amusements within the corporation, to regulate and establish markets, to sink and keep in repair public wells, to keep in repair all necessary streets, alleys and drains, and to pass regulations necessary for the same, agreeable to the plan of said town.

May levy & collect a tax.

§ 9. The president and board of trustees or a majority of them shall have full power to assess and collect annual taxes on all real property not exceeding fifty cents on every hundred dollars of assessment valuation thereof; also a poll tax on every actual citizen qualified to vote, not exceeding fifty cents each, also a reasonable tax on all other property which they may think proper subjects of taxation; also, full power and authority to appoint a lister, a treasurer, a clerk, and such other officers as they find necessary, and shall allow them what they shall deem reasonable for their services; who, when appointed shall be governed by such rules and regulations as shall be prescribed by said president and board of trustees; and the person or persons appointed to collect any tax imposed by virtue of any of the powers granted by this act, shall have authority to collect the same by distress and sale of the goods and chattels of the person chargeable with the same tax, on giving ten days previous notice of the time and place of such sale, and if no goods and chattels of the person chargeable with

said tax, can be found, it shall be lawful to seize and sell any lot or lots, or part or parts thereof, or so much thereof as will pay and satisfy such taxes due and in arrear, and all costs accruing on such sale, paying to the owner or owners the overplus if any

§ 10. A majority of the members of any corporation shall be a quorum to transact business, but a less number may make adjournments, and shall have power to compel the attendance of absent members by imposing such fine on delinquents as will answer their attendance; and the said board of trustees shall be the judges of the election of their own members and officers; and two thirds of the members concurring, may expel any officer or member for misconduct or highly disorderly behaviour.

§ 11. When in the opinion of the board of trustees of any town, it would be a benefit to such town to increase the number of trustees thereof, they may order nine to be elected at their next annual election, and at every succeeding annual election thereafter.

A majority of trustees to constitute a quorum but a less number may compel the attendance of absent members.

When necessary may elect new trustees.

§ 12. The said president and board of trustees shall have full power and authority to enforce their bye-laws and ordinances in all cases whatsoever: *Provided* That no fine, penalty or forfeiture shall be inflicted on any one person for a breach of any one of their bye-laws or ordinances for more than three dollars for every time he or she shall so offend, which penalties and forfeitures may be recovered before any justice of the peace in the county, by action of debt according to law: *Provided*. That no bye-law or ordinance shall be in force until it shall have been published in at least three of the most public places in said town for ten days: *And provided also*. That no bye-law, or act of the said president and trustees shall in any wise be repugnant to the constitution and laws of this state and of the United States

Further powers of the board

§ 13. All monies arising from collection of

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Fines for breaches of their laws how appropriated.

taxes, fines, penalties, and forfeitures shall be appropriated by the said president and board of trustees towards the erecting, improving and regulating those objects which by this act are placed under their controul and jurisdiction, as likewise for defraying all such expenses as may accrue or necessarily arise out of the exercise of the powers granted to them by this act : That the bounds of the corporation of each town shall be the building lots as recorded in the recorders' office of the respective counties; and whenever any new building lots shall be laid off adjoining any town, and the plot thereof recorded, the same shall form part of the said corporation, entitled to the same privileges, and subject to the same rules and regulations as the original corporation.

Towns heretofore incorporated may adopt this charter.

§ 14. Nothing in this act shall be so construed as to prevent the citizens of any town heretofore incorporated from adopting this act of incorporation; and in case they shall do so, their former charter, so far as it may be contrary to the provisions of this act, shall be void : *Provided*, That nothing in this act contained shall prevent any general assembly from hereafter dissolving the corporation hereby authorised, or repealing this act or any part thereof, or from making any amendments thereto that may be deemed expedient.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 1, 1817—APPROVED,

JONATHAN JENNINGS.

## CHAP. XIX.

### *AN ACT providing for the assessing and collecting of Revenue.*

§ 1. *BE it enacted by the General Assembly of the State of Indiana.* That the lists of taxable property in this state shall hereafter be taken and ascertained in the form and manner following, viz that the board of county commissioners for each county, shall at their first meeting on the second Monday in February next, proceed to lay off their respective counties into suitable districts or townships, if the same shall not have been previously done, and shall appoint a suitable person resident in each township whose duty it shall be to receive and take lists of all taxable property therein for that year; and whenever it becomes necessary thereafter, the said board of commissioners shall appoint listers of taxable property in each township where it may be wanting, and each person thus appointed lister, shall, before he enters upon the duties of his office take an oath or affirmation, faithfully and impartially to discharge the duties of the trust imposed upon him, a certificate of which oath shall be transmitted by the justice administering the same to the clerk of the board of county commissioners whose duty it shall be to preserve the same; and if any lister appointed as aforesaid, after accepting such appointment, shall refuse or neglect to perform his duty, or shall be guilty of any malpractice therein, he shall forfeit and pay one hundred dollars to be recovered by the board of commissioners for the use of the county by action of debt in the circuit court of the county with costs of suit; and it shall be the duty of the board of county commissioners to make out blank forms at the time they make appointments of listers in the several townships of their respective counties which shall be delivered to the persons so appointed as listers at the same time that they are served with a certificate of their appointments.

Commissioners to lay off county,

Shall appoint listers of taxable property

Listers to take oath of office. Certificate thereof transferred.

Penalty for failure of duty &c.

Further duties of commissioners. Blank forms delivered with certificates.



**Listers when, and where to attend.** § 2. The listers appointed as aforesaid, shall on the second Monday in April annually attend at the place in their respective townships where elections are held, then and there to receive from each and every person resident in such township a list of all the taxable property in his, her or their possession at that time, of which time, place and meeting it shall be the duty of the lister to give at least ten days notice by advertisement in at least three of the most public places in his township or district: It shall be the duty of the lister to administer to each person giving in lists of taxable property the following oath or affirmation, (viz.) that you have given a true and perfect account of all the taxable property belonging to you or in your possession at this time, and that you have used no fraudulent means to evade the payment of taxes thereon. But if any person shall be unable or fail to attend at the time and place appointed, he or she at any time before the first Monday in May thereafter may attend at the residence of the said lister and give in their taxable property as aforesaid.

**Their duty.**

**Must give ten days notice.**

**To administer oath.**

**Form thereof.**

**Persons unable to attend, &c.**

§ 3. Any person the holder or owner of any taxable property who shall return false or fraudulent lists, or shall refuse or neglect to give a list on oath or affirmation, or shall by any fraudulent means whatever attempt to evade the payment of taxes it shall be the duty of the lister to return the names of all persons so offending to the board of county commissioners who shall add one hundred per cent to their taxes, and the lister shall proceed to list their property from the best information he can obtain: *Provided however,* That it shall be the duty of the lister to notify the person or persons thus charged of the next meeting of the board of commissioners, and in case such person or persons shall then satisfy the board of commissioners that they have not been guilty of fraud or improper conduct to evade the payment of taxes the commissioners shall remit such additional tax.

**Persons refusing to give lists of property, their names returned.**

**Hundred per cent added.**

**Proviso. Lister to notify delinquents.**

**Remission of additional tax.**

§ 4. The following taxes shall be paid annu-

ally for one hundred acres of land, and so in proportion for a greater or less quantity. On first rate land one dollar, on second rate land, eighty seven and a half cents, and on third rate land, fifty cents, and the revenue arising from landed property shall be applied to state purposes. For every horse, mare, mule or ass over three years of age, not exceeding thirty seven and a half cents: for covering horses, at the rate they stand by the season: for every bond servant of color, above the age of twelve years, other than apprentices, two dollars: for every tavern, not more than twenty nor less than ten dollars: for every ferry, not exceeding twenty dollars: town lots in proportion to their valuation, not exceeding fifty cents on every hundred dollars, and it is hereby made the duty of the lister to call upon two disinterested householders to assist him in the valuation of the town lots with the improvements thereon.

**Annual taxes on lands.**

**Revenue therefrom applied to state purposes.**

**Taxes on personal property.**

**On town lots.**

§ 5. Every landholder, whether he claims by bond, entry, patent, or deed, shall include in the list he gives the lister, all his land in said county, and shall specify as nearly as he can, the quantity of each tract, and water course it lies on, and the quality, together with the number of the section, which quarter thereof (if part of a section) the township and range, if so designated in the survey, or if otherwise the number, letter or otherwise as the same may be designated.

**Duty of landholders.**

§ 6. Every lister appointed as aforesaid, shall make two separate and distinct lists, one of the lands subject to taxation, lying in his township, which list shall contain the names of the persons charged with taxes alphabetically arranged. The number and quality of each tract; the county it is in; the water course it lies on; the quarter section; township whether north or south, and the range whether east or west; and of what meridian or otherwise; the number and letter if so designated, or whether held by patent, entry, deed or bond. The other list shall contain the names of all persons holding any other kind of taxable property than land, alphabetically arranged, and

**Lister to make out two lists &c.**



And deliver them to commissioners or clerk. Commissioners to make out three lists &c.

One of which to be transmitted to auditor under penalty.

One to sheriff and clerk each.

Coms. to examine & correct lists. Clerk to certify the same Comrs. to lay county levy.

List corrected, clerk to make out their transcripts. Persons aggrieved, their remedy.

opposite to each name the quantity or number of each kind of taxable property in a separate and distinct column; which two lists he shall deliver to the board of county commissioners or their clerk, on or before the second Monday in May annually. And it shall be the duty of said commissioners, to have three fair and accurate lists of all the lands in their county, subject to taxation, made out with the particular tax on each tract, and sum total thereof; which list shall be certified by the clerk; one of which lists, the clerk of the board of commissioners, shall within ninety days thereafter, transmit to the auditor of state, on penalty of forfeiting and paying for every time he shall fail or neglect so to transmit the sum of five hundred dollars, to be recovered by the auditor for the use of the state, in any court having jurisdiction thereof; one other of said lists, it shall be the duty of the clerk of the board of county commissioners, to deliver to the sheriff of the county, and retain the other in his possession on file with the other papers of the board

§ 7. It shall be the duty of the commissioners, when the list of taxable property other than land, shall be laid before them at their meeting on the second Monday in May annually, to examine and correct them; which being done, their clerks shall certify that they are correct copies; the commissioners shall then proceed to lay the tax for county purposes to the amount necessary, not exceeding the rates on each species of property herein before provided, and on lands not exceeding half the rates; which tax shall be, and is hereby declared to be for county purposes, when the list shall have been corrected and the tax laid as aforesaid; it shall be the duty of the clerk of the board to make out three fair and accurate transcripts thereof; one of which he shall deliver to the sheriff, another to the county treasurer, and the third he shall retain on file with the other papers of his office. And if at any time within any year before the annual meeting of the commissioners in August, any person shall think himself or

herself aggrieved by improper listing or overrating their property, they may upon application to the board of commissioners at their August term have the same redressed by the commissioners whose duty it shall be to correct all such errors and forward a certified copy thereof to the auditor of state if the same shall relate to the tax for state purposes, or if for county purposes to the county treasurer, one copy to the sheriff and one to be by them retained; and it shall be the duty of the auditor or treasurer as the case may be to credit the sheriff with the amount thus certified on his proper account.

§ 8. The listers of the several townships within the respective counties as aforesaid, shall proceed to obtain from the best information in their power, lists of all lands belonging to non-residents, in which he shall describe the said lands as those of residents, and shall from the best information he can procure set the said lands down as first, second or third rate as the case may require, which lands shall be taxed as other lands are or may be, and shall and may be exposed to sale for non-payment of taxes as in other cases.

§ 9. The sheriffs or other deputies of each county as collectors, shall, on or before the first day of August, annually, advertise in three or more public places in each township or district, giving ten days notice of the time he will attend at the places where the elections are held in each township, and shall attend at the times and places so appointed and demand the taxes so rated and assessed under this act due the state and the counties respectively from each inhabitant, and if any person shall be unable or fail to attend at the place and time thus appointed, he shall attend to pay the same at the house of the sheriff or his deputy, on or before the first day of September annually. And if any person shall neglect or fail to pay to the sheriff or his deputy before the first day of September, it shall then be the duty of the sheriff, and he is hereby empowered to take

Duty of commissioners to correct errors Certified copy thereof, how forwarded. Duty of auditor and treasurer.

Nonresidents lands listed & taxed.

Such lands liable for taxes

Sheriff &c to advertise sale when & where

Shall attend such sale.

Persons failing to attend, remedy.



Personal property liable for taxes. the personal property, goods and chattels of the person or persons so failing to pay their land taxes and their taxes for county purposes, and shall thereupon proceed to give ten days notice of the time and place at which he intends to expose the said goods and chattels to sale by advertising the same in the most public place in the township wherein such delinquent or delinquents reside :

Provido. That the said delinquent or delinquents, may at any time before the property distrained be sold, ask for and receive the said property, or on tendering to the said sheriff or deputy sheriff the amount of his, her or their taxes for state or county purposes then due and the expense of keeping the same, together with fifty cents to the said sheriff for his trouble and expense in distraining and advertising the said property ; and in case the said property so distrained and taken sells for more than the taxes due from said delinquent or delinquents, the said sheriff shall be entitled to receive thereupon for his trouble and expense in seizing and selling the same the sum of fifty cents : But in case there is not a sufficient sum produced by the sale of such property to pay the said taxes, the sheriff shall, and he is hereby authorised by a second distress to make the said amount in monies aforesaid :  
 Provided however, That if any person shall think himself or herself aggrieved by such distress and sale, he may apply to the board of county commissioners at their next meeting after such sale, who upon satisfactory proof of such person or persons being injured unjustly, shall grant such redress as the nature of the case requires.

§ 10. In case of any delinquencies for nonpayment of taxes, and no personal property, goods or chattels of such delinquent or delinquents, is or are to be found within the county wherein the lands of such delinquent or delinquents do lie ; it shall be the duty of the sheriff as collector, to proceed to levy and collect the sum or sums so in arrears by the sale of the land or lands of such delinquent or delinquents, at the court house door in

Sheriff authorized to make second distress.

Provido.

When personal property not found lands sold.

his county, or so much of such land or lands as will bring the taxes and costs in arrear : *Provided always*, That if the owner of any tract or tracts of land, or any person for him, shall on or before the day on which said land shall be advertised for sale as hereafter mentioned, tender the amount of the tax and costs, or deliver to the sheriff in lieu of the lands, goods or chattels, sufficient to make the tax and costs so in arrear ; then the said sheriff shall not sell the said land nor any part thereof, but shall make and levy the amount in arrear, by a public sale of such goods and chattels, reserving the overplus, if any, for the owner or owners of such land, to be paid to him, her or them on demand, or to such person or persons legally authorized to receive the same : *Provided*, That in all sales of land as aforesaid, no sheriff or deputy sheriff, shall directly or indirectly, bid for or purchase any lands or other property so sold as above.

§ 11. Prior to any sales being made of the lands of such delinquents, the sheriff shall give twenty days notice, by advertising at the county seat, and in some public news-paper either in this state or the state of Kentucky or Ohio, for three several weeks successively, of the time and place of such sale.

§ 12 Where any tract of land is not sold as aforesaid for the want of buyers ; it shall be the duty of the clerk of the board of county commissioners, upon satisfactory evidence thereof being produced to him, to certify that the land so offered for sale would not sell for want of buyers, specifying the tracts ; and upon the sheriff producing said certified list to the auditor, he shall give him credit for the amount of state taxes due thereon.

§ 13. When any lands are sold as aforesaid by the sheriff, it shall be the duty of the sheriff to give the purchaser or purchasers, a certificate of the tracts or parts of tracts of land sold, and specifying the number of the tract, or letter or section, quarter section, as specified in the duplicate, and for what sum sold ; which certificate shall vest all

Provido.

Provido. Sheriff not allowed to bid. Prior to sale, &c. twenty days notice required.

Land not sold for want of buyers, clerk to certify the same, &c. to auditor. Duty of auditor.

sheriff to give purchaser certificate.



Certificate to vest title. Purchaser of one part, tenants in common with owners of the other part. Partition how had. Certificate to be recorded. Proviso.

Certificate void, on condition.

Original owner may deposit tax, &c. with county tax.

Advertisement thereof, good tender.

County taxes paid into the treasury annually.

Sheriff to obtain a quietus Allowed nine per cent.

right, title, interest and claim of the proprietors in such purchaser, and his heirs, and such purchaser or purchasers, shall be deemed and taken so far as the right and title to said land thus purchased, will entitle him or them as tenant or tenants, in common with the owner or proprietor of the other part of the tract for the quantity mentioned in the certificate, and a partition thereof may be had as is provided by law in other cases; and such certificate being duly executed and acknowledged by the sheriff, shall be admitted to record, as other conveyances of real estate: *Provided however*, That no such partition of the land or recording of the certificate shall take place until the expiration of two years from the time of such sale, and if within such two years, the former proprietor or proprietors, or any person for him or them, shall tender to the purchaser, the sum by him paid for said land with the addition of one hundred *per cent*, then and in such case the said certificate of sale shall be void and of no effect either in law or equity; but if such purchaser aforesaid does not reside in the county in which the land sold lies the original proprietor may deposit the amount of tax and costs with the additional *per centum* aforesaid with the county treasurer of said county and notify the purchaser by advertisement in one of the public newspapers nearest thereto which when done, shall have the same effect as if tendered personally to said purchasers.

§ 14. It shall be the duty of the sheriff to pay over to the state treasurer on or before the first of December, annually, and in every year the taxes due from his county to the state for which monies so paid over, the state treasurer shall give a receipt to the sheriff, which receipt shall be a sufficient voucher to exonerate the sheriff to the amount contained in said receipt, which receipt the sheriff shall within one week thereafter produce to the auditor who shall give the sheriff a quietus for the amount, allowing to said sheriff nine per cent on the money so paid by the

sheriff, discounting with him therefor accordingly: and on the sheriff of any county failing to pay to the treasurer and produce his receipt to the auditor by the time specified the auditor shall direct the prosecuting attorney of the county in which such delinquent sheriff resides to bring suit in the circuit court of such county against such sheriff and his securities, who though paying afterwards to the treasurer the full amount shall nevertheless be mulcted in all costs, and ten per cent damages for failing to settle in due time.

§ 15. It shall be the duty of the sheriff of each county within this state to lay before the board of commissioners at their November term, a list of all delinquents charged with county taxes, which board of commissioners are hereby empowered to strike out the names of such persons as appear to be delinquents and give the sheriff credit as they may be entitled by law, which being done, the balance shall be struck and the sheriff shall be chargeable with that balance, and shall pay the same to the county treasurer on or before the first day of December annually: and if such sheriff shall fail to pay to the county treasurer the balance due as aforesaid on or before the first day of December in each year, it shall be the duty of the county treasurer to direct the prosecuting attorney for such county to move against said sheriff and his securities at the circuit court for said county for the balance due by him as aforesaid with costs of suit: *Provided however*, That nothing herein contained shall be so construed as to prevent the sheriff from receiving and paying into the county treasury county claims certified according to law for taxes due the county, and the county treasurer shall give such sheriff credit for the amount of such county claims thus paid in.

§ 16. The sheriff shall be allowed by the county treasurer six per centum as a compensation for collecting and paying over all monies by him collected for county purposes as aforesaid: The county commissioners shall allow the listers of taxable property one dollar per day for each day

sheriff failing to pay over to treasurer, &c how proceeded against. Further liability of sheriff and securities for failure of duty in proper time. Sheriff to return delinquents, when Commissioners to strike off their names.

Sheriff to pay county tax to county treasurer, when. For failure, how proceeded against.

Proviso.

County treasurer to allow sheriff six per cent. Comrs. to allow listers



one dollar per day. To certify on oath how many days he served. Comrs. to sit six days.

necessarily spent in making out and returning lists of taxable property, and they shall give the listers an order on the county treasurer for such allowance, the listers certifying on oath or affirmation the number of days so spent in taking lists. The board of county commissioners of the several counties in this state (should the business before them require it) are hereby authorised to sit six days at each term the first year from and after the passage of this act.

ISAAC BLACKFORD,  
*Speaker of the House of Representatives.*  
CHRISTOPHER HARRISON,  
*President of the Senate.*

JANUARY 3. 1817, APPROVED,

JONATHAN JENNINGS.

## CHAP. XX.

*AN ACT to amend the act now in force for the partition of Land.*

§ 1. *BE it enacted by the General Assembly of the State of Indiana* That whenever hereafter any person or persons within this state, being desirous of having any tract or tracts of land, or lot or lots of ground divided amongst any heirs or claimants of the same agreeably to the provisions of the act, to which this is an amendment, the legal costs and expences attending such division shall be equally born by such heirs or claimants, any law to the contrary notwithstanding.

ISAAC BLACKFORD,  
*Speaker of the House of Representatives.*  
CHRISTOPHER HARRISON,  
*President of the Senate.*

JANUARY 1, 1816—APPROVED.

JONATHAN JENNINGS.

## CHAP. XXI.

*AN ACT to regulate descents.*

§ 1. *BE it enacted by the General Assembly of the State of Indiana*, That the real and personal estate of any person dying intestate, shall descend to his or her children or their descendants in equal parts, viz to the children of a deceased child, the share of their deceased parent, saving however to the widow in all cases her rights of dower.

Persons dying intestate, how their estates shall descend. Saving right of dower.

§ 2 If there be no children, nor their descendants, then to the father; and if there be no father, then in equal parts to the mother, brothers and sisters of such deceased person dying intestate, and to their descendants, or such of them as there be.

For want of children, or their descendants, how estates to descend.

§ 3. When any person shall die intestate without issue having a title to any real estate, derived by purchase or by descent from the father, the mother of such person shall not inherit the same nor any part thereof, if there be living any brother or sister of such deceased person, or any brother or sister of his or her father or any lineal descendant of either of them, except her right of dower which she may have therein.

When paternal line shall inherit.

§ 4. When any person shall die intestate having no issue, possessed of a title to any real estate by purchase or by descent from the mother, the father of such person nor any child he may have by any other woman except his or her mother shall inherit the same or any part thereof if there be living any brother or sister of the mother of such person dying intestate or any lineal descendants of either of them, saving however to such father the right which he may have as tenant by the curtesy in said estate.

When maternal line shall inherit.

§ 5. The real and personal estate of persons dying intestate without issue, having no father or mother, brothers or sisters, shall be divided into two equal parts, one of which shall go to the paternal, the other to the maternal kindred in the descend.

On failure of paternal and maternal kindred, how to descend.



following order : first, to the grand-father, if there be any, if not, to the grand mother, and if there be neither grand-father nor grand-mother, to uncles and aunts on each side and their descendants or such of them as there be : *Provided however,* The widow of such person dying intestate, having no issue shall be entitled to all his personal, and half of his real estate, if he has no brothers or sisters, father or mother.

Proviso.

When estates shall go to the wife, and if no wife, how applied. § 6. When for want of issue of the intestate and of father or mother, brothers or sisters, or their descendants, the estate as before directed, to go in equal parts to the paternal and maternal kindred, shall for the want of such kindred go to the wife, but should he have no wife, then his estate shall be applied to the support of free schools in the county in which such property is situated.

Property advanced to heirs thrown into hotchpot § 7. In making dividends of the estate of any person dying intestate, among his or her heirs, any property that any one of them shall have previously received by way of advancement shall be taken into view if such person shall apply or claim his or her rights of inheritance.

Legitimate & illegitimate children, on same footing. § 8. There shall be no difference made between legitimate and illegitimate children, in the inheriting of property that descends to them through the mother.

Illegitimate children recognized and legitimized § 9. If any man shall marry a woman who has previous to her marriage, borne an illegitimate child, or children, and shall acknowledge himself to be the father of such children, they shall be deemed legitimate.

Heirs non compos non resident, &c. regulations concerning. § 10. When any lands shall descend from a person dying intestate to two or more heirs, any one of whom shall be an infant, feme covert, non compos mentis, or a non resident, and the dividend of each share shall not exceed, one hundred dollars in the opinion of the court, it shall be lawful for such court to order the sale of such land, and the distribution of the money arising therefrom according to the right of each claimant ; *Provided always,* That each heir residing in the

Proviso.

state, shall be first duly summoned to shew cause if any he or she hath against such sale, and if any heir shall reside without the state, the court shall make an order for publication, in one or more public newspapers, published in the state, which on being inserted eight weeks successively in such paper or papers as the court may direct, shall be a sufficient summons.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 2, 1817—APPROVED,

JONATHAN JENNINGS.

## CHAP. XXII.

*AN ACT concerning the Auditor of Public Accounts and the Treasurer of the State.*

§ 1. *BE it enacted by the General Assembly of the state of Indiana,* That the auditor of public Auditor to accounts, previously to his entering on the duties give bond. of his office, shall give bond, with such security as shall be approved of, by the Governor, in the penal sum of ten thousand dollars, payable to the Governor and his successors in office, in trust for the benefit of the state ; conditioned for the true and faithful performance of the duties enjoined and required by law to be performed by such auditor, and for the safe delivery to his successor, of all books, vouchers and other effects belonging to his office ; the execution of which bond, being duly acknowledged before some person authorised to take the acknowledgment of deeds, shall be deposited by the Governor in the office of the secretary of State and there recorded.



Transfer of books and papers in the hands of the former treasurer.

§ 2. The former treasurer in office under the territorial government, and every person or persons whatever, having in his or their possession, any of the public books or papers, accounts or vouchers, belonging or appertaining to the office of auditor or treasurer, are hereby authorised and required to deliver the same to the auditor of this state, who is hereby authorised to receive the same: and if any such person or persons aforesaid, shall refuse or neglect within fifteen days after demand made by the said auditor, to deliver up to him on oath all and every the books, papers, accounts, or vouchers aforesaid, and all and every such person or persons so offending shall forfeit and pay any sum not exceeding five hundred dollars, to the use of the state, to be recovered by motion of the auditor or by indictment, in any court of record of competent jurisdiction; and the said auditor shall on demand deliver over to the treasurer of the state, who is hereby authorised to receive the same, all books, papers, accounts and vouchers, which may come into his possession by the authority aforesaid and which belong or appertain to the treasury department.

Duties of the auditor.

§ 3. The said auditor shall keep all accounts that may arise between this state and any other state or territory, and with the United States, or any individual, and shall keep fair distinct and clear accounts of all the revenues and expenditures of the state of every kind and nature whatever. All accounts between this state and the officers of government entitled to receive from the treasury salaries or wages fixed by law; all accounts of members of the general assembly, and of any person or persons having demands for money from the treasury, shall be rendered into the office of the said auditor, where they shall, without delay, be liquidated, adjusted and settled; and upon settlement of any such account, the said auditor shall by warrant drawn on the treasurer of the state, direct the payment of the amount due to the party entitled to receive the same, and having entered such warrant in his books, and filed

& deposited the accounts & vouchers in his office, he shall deliver the warrant to the party in whose favor it is drawn: *Provided however*. That the auditor shall audit no account nor give any certificate or warrant which would enable any person to receive any money unless in cases particularly authorised by law.

§ 4. The said auditor shall liquidate, adjust and settle the accounts of all public debtors, and of all collectors of any revenue or tax levied by act of the general assembly, and payable in the treasury, or of any money due to the public, and shall call upon such debtors or their representatives to render accounts at proper times, and discharge such balance as may be found due to the state, and upon their failure so to do, the said auditor shall take the most effectual steps for the speedy recovery of the same, and tho' it should appear on trial, that the defendant oweth no balance to the public, yet his having failed to render an account to the auditor, and to take from him his receipt, shall subject him to the payment of all costs incurred by such proceedings to the state.

His further duties.

§ 5. The said auditor shall keep a book in which shall be entered every warrant he draws on the treasurer, in the order he issues them, in such manner as to shew the date, the name of the person in whose favor drawn, and the nature of the claim upon which it is founded, and shall carry such entry into a book of general accounts, under separate and distinct heads. He shall furnish the general assembly, annually, during the first week of their session, and as often as they may require, a statement or abstract of the public accounts generally, together with an account of all balances due to and from the state; and the books, papers, and transactions of his office, shall be open at all times to the inspection of a committee of the general assembly or of either branch thereof, and also to the inspection of the Governor.

His further duties.



Treasurer of  
state to give  
bond.

§ 6. Be it further enacted that the treasurer of the state shall not be capable of executing the duties of his office until he hath given bond with such security as shall be approved of by the Governor, in the penal sum of thirty thousand dollars payable to the Governor and his successors in office in trust, for the use of the state, conditioned for the faithful accounting for, and paying all such sums of money as shall be received by him from time to time, and for the faithful performance of all other duties enjoined and required by law to be performed by such treasurer, and for the safe delivery to his successor, of all books, vouchers, monies and other effects belonging to his office; which bond shall be executed, acknowledged and recorded in the same manner as is prescribed in the first section of this act, for the execution, acknowledgment and recording of the bond to be given by the auditor.

To receive  
taxes &c.

§ 7. The said treasurer is hereby authorised and required to receive of the several collectors of the public revenue, all taxes arising on lands or other property, and all other public money payable into the treasury by virtue of any act or acts of the general assembly. And it shall not be lawful for the treasurer to pay or receive any money on account of the public, but on warrant or certificate of the auditor, except the auditor's salary.

His further  
duties.

§ 8. The treasurer shall keep in books provided for that purpose, correct accounts of all the money received by him from time to time, on the respective taxes and impositions, or from any other source, by virtue of any act or acts of assembly; also correct accounts of all such sum or sums of money as he shall pay out of the treasury pursuant to such act or acts; which accounts shall be so kept that the net produce of the several and respective taxes and impositions received in, and the money paid out of the treasury for every particular service may appear separate and distinct from each other, and a full statement thereof shall by the treasurer be laid before the general

assembly annually, during the first week of their session, and as often as they may require the same; and the books, papers and transactions of his office, shall be at all times open for the inspection of a committee of the general assembly, or of either branch thereof, and also to the inspection of the Governor.

§ 9. When any public debtor shall hereafter pay any sum or sums of money in the public treasury. Further duty. The treasurer on receiving the same shall forthwith make out a receipt for the amount, and carry the same to the auditor, who is hereby authorised and required immediately to give to the treasurer his receipt therefor; and the treasurer shall deliver the said receipt to the person who shall have paid him the money therein specified.

§ 10. The treasurer shall make out an account of all his payments, and of the warrants on which such payments were made, and shall deliver the same monthly to the auditor; and a list of such payments and warrants shall be made out by the auditor in a book kept for that purpose.

§ 11. If the treasurer shall divert or misapply any of the money paid into the treasury for public use, contrary to any act or acts of assembly by virtue of which the same was raised or appropriated; the said treasurer, for such offence shall forfeit his office, and be incapable of holding any office of trust or profit whatever, under the state, and moreover, shall be liable to pay double the amount so misapplied, to be recovered for the public use, by indictment in any court of record of competent jurisdiction. Penalty for malfeasance in office.

§ 12. There shall be a committee appointed by the general assembly annually to examine into the state of the offices of the treasurer and auditor: the said treasurer is hereby required to lay before such committee all the accounts and vouchers of the treasury for money received or paid out for any purpose whatever, and produce the money in his hands, and the committee shall make a fair statement of all monies received and

Treasurer's  
books to be  
inspected.



paid out of the treasury and for what purposes, and of the money on hand, and report the same to the assembly, who shall cause such statement of the receipts and expenditures of the public money to be attached to and published with the laws at every annual session of the general assembly. If the said committee should discover that any money paid into the treasury had been applied to any use not warranted by law, they shall report the same to the general assembly. It shall be the duty of the said committee in their examination of the auditor's books and papers, to mark without defacing, all the treasurer's receipts which may be the foundation of a charge against him in such of the auditor's accounts as the said committee shall examine, in such manner as shall shew that the said receipts had been examined by the committee.

§ 13. The salary of the auditor of public accounts shall be four hundred dollars per annum, payable in quarterly payments by warrant drawn on the treasurer by the Governor for that purpose; and the salary of the treasurer of the state shall be four hundred dollars per annum, payable in quarterly payments, by warrant drawn in his favour for that purpose by the auditor; which salaries shall commence immediately upon their giving such security as prescribed by this act, and taking such oath or affirmation as required by the constitution of this state.

This act to take effect from and after its passage.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 11, 1816—APPROVED,

JONATHAN JENNINGS

CHAP. XXIII.

*AN ACT to amend the act entitled an act to encourage the killing of wolves.*

§ 1. *BE it enacted by the General Assembly of the state of Indiana.* That every person who shall take or kill any wolf or wolves within this state and within six miles of any of the settlements thereof, shall receive the following bounty, viz Allowance for killing wolves.  
for each wolf supposed to be two months old and upwards two dollars and for each wolf under two months old one dollar, and the person claiming such reward shall produce the scalp or scalps with the ears entire within one month after such wolf or wolves has or have been killed to some justice of the peace within the county where such claimant resides who shall administer to such person the following oath or affirmation; "You A. B. do solemnly swear or affirm that the scalp or scalps produced by you, were taken off of a wolf or wolves killed by you within this state and within six miles of some one of the settlements thereof and within one month past, and that you believe such wolf or wolves from which they were taken were under or over two months old, as the case may be, and that you have not spared the life of any wolf in your power to kill, with the design to increase the breed thereof.

§ 2. The justice before whom such oath or affirmation shall be taken, shall cause the ears on all such scalps to be destroyed in his presence and shall give to the person making the same a certificate specifying the number of scalps produced and the sum to which such person is entitled with his name and place of residence.

§ 3. The person receiving such certificate or his agent shall within thirty days thereafter produce the same to the clerk of the circuit court of the proper county who shall file the same in his office and under the seal thereof, grant to the person producing such certificate an order on the

Justices duty to give certificate &c.

Oath.

When certificate to be produced to clerk and his duty, order of clerk to be received



ed by collector to present order to auditor. state treasurer for the amount that may be due him under the provisions of this act for which order such person shall pay the clerk twenty five cents and such order shall be received by the collectors of land taxes in payment thereof.

Collector to present order to auditor. § 4. The collector of land taxes shall present all such orders so received by him, according to the provisions of this act, to the auditor of public accounts who is hereby required to issue his warrant therefor payable at the treasury of the state.

County commissioners may allow additional bounty. § 5. The commissioners of any county when they deem it expedient may give an additional bounty of one dollar for every wolf scalp taken off of any wolf killed in such county payable at the county treasury.

Repealing clause. § 6. All acts heretofore in force, granting bounty for wolf scalps in this state, are hereby repealed. This act to take effect and be in force from and after the first day of March next.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 24, 1817—APPROVED.

JONATHAN JENNINGS.

## CHAP. XXIV.

### *AN ACT to prevent Manstealing.*

What shall constitute manstealing. 1. *BE it enacted by the General Assembly of the State of Indiana,* That any person or persons hereafter, who shall forcibly take or arrest, or aid or abet in forcibly taking or arresting any person or persons with a design to take him, her or them out of the state, under any pretence whatsoever, without establishing his, her or their

claim, according to the laws of this state or of the United States, shall be guilty of man stealing.

§ 2. Any person or persons being duly convicted of the crime of man-stealing as is described in the preceding section of this act, shall for every such offence forfeit and pay a sum of not more than one thousand nor less than five hundred dollars with costs of suit, recoverable by indictment or presentment in any court of record having competent jurisdiction, for every person so taken or attempted to be taken out of this state; and shall moreover be rendered ineligible to hold any office of honor, profit or benefit within this state hereafter. Penalty there for;

§ 3. Any person or persons of any state or territory, having any claim to the service of any person or persons within this state, shall first go to some justice of the peace within the county, or judge of the supreme circuit courts and obtain a warrant, naming and describing the person or persons, directed to any sheriff or constable of such county, when such person or persons may be found, who shall forthwith, bring such person or persons before said judge or justice of the peace, who shall hear and examine all testimony, adduced both by plaintiff and defendant: and if in the opinion of said judge or justice of the peace the plaintiff's claim be well founded, he shall recognize such person or persons so claimed, to appear at the next term of the circuit court, in and for said county; where he, she or they, shall have a fair and impartial trial by a jury of said county, and if on trial as aforesaid, the verdict and judgment shall go against such person or persons, the court shall grant the person claiming, him, her or them, a certificate authorizing such claimant to carry him, her or them out of the state, and should such person or persons fail to give security, for his, her or their appearance at said court, he, she or they shall be committed to the prison of the county, until such trial be had: *Provided however,* no person claiming, any such person or persons, shall be entitled to a certificate, authorizing

Persons claiming the service of another, shall apply to a judge or justice of the peace. Who shall hear and examine testimony. May recognize such person to appear. Court may grant certificate of service.



him to take away such person or persons, until he has first paid all costs attending the trial of such claim or claims.

Penalty for giving certificate of emancipation. § 4. Any person in this state, who may hereafter give any person (owing service in any state or territory) a certificate or other testimonial of emancipation, shall for every such offence, forfeit and pay any sum not exceeding one thousand dollars, recoverable by indictment or presentment, in any court in this state having competent jurisdiction, and shall, moreover, be liable to an action for damage by the party injured.

Harbouring, or encouraging slaves to desert, penalty therefor. § 5. If any person or persons in this state, shall knowingly harbour or employ any person or persons held as a slave or slaves, in any other state or territory, who have without the consent of his, her or their owner or owners come into this state, or shall encourage any such person or persons to desert his, her or their master or mistress, or proper owner or owners; or shall after such owner or owners has established his, her or their claim or claims to such person or persons, and obtain a certificate according to law, to take him, her or them out of this state, use or attempt to use any violence, or in any way encourage such person or persons not to go with his, her or their owner or owners; every person or persons so offending, shall pay for every such offence, any sum not exceeding five hundred dollars, to be recovered by indictment or presentment, before any court having competent jurisdiction.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 30. 1816. APPROVED,

JONATHAN JENNINGS.

CHAP. XXV.

*AN ACT providing for the collection of certain debts due the state.*

§ 1. BE it enacted by the General Assembly of the state of Indiana, That the auditor of public accounts and the treasurer of the state, be, and they are hereby authorized and required to examine into the accounts of the former auditors and treasurers of the late territorial government, and of the collectors of the territorial taxes in the different counties of the late territory aforesaid, and ascertain as near as may be, the amounts due from either or any of them, and make out particular statements of the evidence of the claims, and transmit the same to the prosecuting attorneys respectively of the counties where such delinquents or their securities, or legal representatives, or either of them reside. Shall make out statements of claims &c. against delinquents, transmit the same to prosecuting attorney.

§ 2. The said prosecuting attorneys of the counties aforesaid respectively, are hereby authorized and required, as soon as they, or any of them receive the statements of the evidence aforesaid, to commence suit in the name of the auditor of the state, against every such delinquent and their securities or legal representatives, for the recovery of the debts, dues and demands aforesaid in the proper county, and as far as practicable, collect the same, and pay the amounts into the hands of the treasurer of the state, for the use of the state, within sixty days after such public monies may be collected as aforesaid. Prosecuting attorney to commence suit in the name of auditor, &c.

§ 3. The said auditor and treasurer of the state, whenever it may be thought advisable by the attorney, prosecuting any such suit as aforesaid, shall attend the trial of any such suit, with the documents of every description in their offices, which in the opinion of the said attorney or of the said auditor or treasurer, may be necessary Auditor and treasurer shall attend trial &c. if advisable.



Their ex-  
pences &c. li-  
quidated by  
government.

to support the suit; and the expences necessarily incurred by those officers in their attendance at the trials aforesaid, together with the reasonable fees to the said attorneys for their services, shall be liquidated by the Governor, and paid out of any monies in the treasury of the state, not otherwise appropriated.

ISAAC BLACKFORD,  
*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,  
*President of the Senate.*

JANUARY 1, 1817, APPROVED,

JONATHAN JENNINGS.

#### CHAP. XXVI.

*AN ACT to authorize the county commissioners to appoint certain officers not otherwise provided for.*

Duty of coun-  
ty commis-  
sioners.

§ 1. *BE enacted by the General Assembly of the state of Indiana.* That it shall be the duty of the county Commissioners at their first meeting, and at every succeeding meeting when necessary, to appoint constables and all other county and township officers, that the court of commonpleas or former county court were authorised to appoint; and to do, and to transact all county business not otherwise provided for, and which any of the aforementioned courts were formerly authorized to do

ISAAC BLACKFORD,  
*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,  
*President of the Senate.*

JANUARY 3, 1817, APPROVED,

JONATHAN JENNINGS.

#### CHAP. XXVII.

*AN ACT respecting the appropriation of certain fines.*

§ 1. *BE it enacted by the General Assembly of the state of Indiana,* That all fines assessed since the adoption of the constitution for the breach of any penal laws, or which may hereafter be assessed for that purpose, shall be applied for the support of county seminaries in the counties wherein such fines may be assessed. And the officers, whose duty it may be by law, to collect or receive any such fines, shall pay the same over to the treasurer of the proper county within sixty days after such fines or any of them may be so collected or received as aforesaid, under the penalty of double the amount of the fines that may remain unpaid as aforesaid, to be recovered by the said treasurer, by action of debt in any court of competent jurisdiction, to the use of the seminary or seminaries of learning in such county. And it shall be the duty of the said treasurer, to open a separate account for the purpose, and give credit to the county seminary fund, for the fines paid in to the treasury as aforesaid, and hold the amount subject to the order of such person or persons, body politic or corporate as may be hereafter authorized by law to receive the same, for the promotion of county seminaries.

Appropriation of fines.

Duty of the county treasurer.

ISAAC BLACKFORD,  
*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,  
*President of the Senate.*

JANUARY 1, 1817, APPROVED,

JONATHAN JENNINGS.



## CHAP. XXVIII.

*AN ACT for the incorporation of public Libraries.*

Public libraries may be established & how.

§ 1. *BE it enacted by the General Assembly of the state of Indiana*, That from and after the first day of March next, the inhabitants of any city, town, village or neighborhood in this state, or any part of them, whenever they have subscribed the sum of one hundred dollars for a public library, may assemble themselves for the purpose of holding an election.

§ 2. And if two thirds of the subscribers are present, they may proceed to choose by voice, a chairman, who shall preside at that meeting, and the clerk who shall keep a record of the same.

Shareholders may choose 7 directors.

§ 3. After a chairman and clerk are chosen, the shareholders may proceed to choose by ballot seven directors, and to agree upon a name by which their library shall be known; the directors shall appoint one of their number, to be president at their meetings, who shall have no other than a casting vote.

Chairman or clerk shall swear to the statement of their proceedings.

§ 4. A true statement of the proceedings of such meeting including the amount subscribed, and the number of subscribers present at the meeting, shall be sworn to, or affirmed to, before some justice of the peace of the county by the chairman or the clerk, provided for by the second section of this act; and it shall be the duty of such justice, to certify on such statement, that it was sworn to or affirmed to before him.

§ 5. It shall be the duty of the recorder of the county, to record the said statement in his book of record when required.

May be incorporated.

§ 6. After such statement of proceedings is duly recorded according to this act; the president and directors and their successors forever, shall be a body corporate and politic, to be known by such name as is registered in the recorder's office. They shall be capable in law and equity to sue

and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court or courts, or before any judge or judges, justice or justices, or person or persons whatsoever, in all manner of suits, actions, complaints, pleas, causes & demands whatever, in as effectual a manner as any other person or persons, body or bodies corporate or politic may or can do: *Provided however*, That nothing in this act contained, shall be so construed as to authorise any library company incorporated in this state, to issue notes or bills of credit, payable to any person or persons on his or their order, or to bearer; nor to deal in any kind of bills of exchange, notes or due bills whatever. Except the first election of directors, the annual election forever thereafter, shall be held on the first Monday in January; but if any annual election should be omitted, the directors shall remain in power until the next annual election, and until successors shall be chosen.

§ 7. Such library or libraries, shall be governed and regulated by such bye laws, as may from time to time be made by the president and directors of the same, not inconsistent with the constitution and laws of this state; who shall have power to alter, amend, abolish and renew any such bye law or bye laws at pleasure.

§ 8. The president and directors shall have power to make a common seal, and the same to alter, break, change or renew at pleasure. They shall have power to levy a tax on the shareholders: *Provided*, such tax does not exceed one dollar on each share in any one year; nothing however, in this act, shall be so construed as to prevent a majority of two thirds of the share holders, attending at their annual meeting, from increasing such tax to any sum not exceeding five dollars on each share in any one year. They shall have power to appoint a treasurer and librarian, and the same to remove at pleasure.

§ 9. A majority of the directors shall be necessary to form a quorum. They shall have power to fill vacancies that may happen in their own bo-

Shall not issue notes or bills of credit

May make bye laws.

Further powers of the president and directors.



dy, and the director or directors, by them elected, shall serve until the next annual election thereafter, and until others are elected in their stead.

May receive donations. § 10. They shall have power to receive by donation, any books, monies, papers or laws, or any other thing or things : *Provided*, such donation, or the rent or interest thereof, be applied to no other purpose, than the true interest of the library on which it was bestowed, according to the true intent an meaning of this act : *Provided however*, That they shall not keep for a longer time than six months after receiving the same, more than the real value of five hundred dollars in land, or any other property, except books and those things appertaining to a library.

Not to affect county libraries. § 11. This act shall not in any way or manner be so construed, as to affect any county library provided for in the constitution of this state.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 17, 1816—APPROVED,

JONATHAN JENNINGS.

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CHAP. XXIX.

*AN ACT to amend the several acts regulating Ferries.*

Repealing clause.

§ 1. *BE it enacted by the General Assembly of the State of Indiana*, That the act, supplementary to an act to establish ferries, and an act supplementary thereto, approved December the twenty sixth, one thousand eight hundred and fifteen, be and the same are hereby repealed.

§ 2. All ferries which may have been heretofore granted, or established by the former Governor of the Indiana territory; previous to the taking effect of a law of said territory, authorising the court of common pleas or circuit courts of said territory, prior to the first day of the last territorial Legislature, over the Ohio river, or over any creek or water course within this state, be considered as established ferries, any law, usage or custom to the contrary notwithstanding; and that any person or persons, owning a ferry hereby established, shall within nine months, give bond and approved security to the commissioners of the county in which said ferry may lie, conditioned according to law : *Provided however*, That in all cases where a transfer of any of the said ferries shall have taken place, the person or persons holding such ferry by purchase and transfer, shall be entitled to all the advantages which the person in whose name the ferry may have been first granted or established, upon the same conditions and regulations as are applicable to persons who have heretofore had any ferry established in his own name, any law usage or custom to the contrary notwithstanding.

Ferries granted heretofore to be considered as established.

Owners to give bond & security. Proviso.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 27, 1816—APPROVED,

JONATHAN JENNINGS.

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CHAP. XXX.

*AN ACT concerning the Secretary of State.*

§ 1. *BE it enacted by the General Assembly of the state of Indiana*, That the secretary of state, in addition to the duties enjoined on him by the constitution of the se-

Additional duties of the se-



cretary of  
state.

Shall take &  
record cer-  
tain bonds.

Shall receive  
and preserve  
public docu-  
ments.

To give bond

stitution, shall affix the seal of the state to all public instruments, to which the Governor's signature now is, or hereafter may be required by law.

§ 2. All obligations which now are, or hereafter shall be by law required to be given to this state, or to the Governor thereof, for the faithful discharge of any office, commission or public trust, and the sureties therein to be approved of by the Governor, except in cases otherwise provided for by law, shall be taken by the secretary, for the uses and purposes therein respectively expressed, and recorded in his office; and copies of such obligations duly authenticated under the seal of such office, shall be admitted as legal evidence in any suit or suits, that may or shall be brought against the obligors or their sureties.

§ 3. The said secretary of state shall be, and he hereby is authorized and required to receive from the former secretary of the Indiana territory, all books, papers, vouchers and documents, belonging to the office of the said territorial secretary, and safely deposit the same in his office, at the seat of government. He shall keep and preserve all acts passed by the general assembly, and shall permit the books, papers and accounts belonging to his office, to be at all times open to the inspection and examination of committees of each branch of the general assembly, and shall furnish such copies or abstracts therefrom, as may from time to time be required.

§ 4. The secretary shall give bond to the Governor and his successors in office, for the use of the state, in the penal sum of two thousand dollars, with sufficient security, to be approved of by the Governor; conditioned for the due & faithful performance of the several trusts to him committed; which bond shall be duly acknowledged and deposited by the Governor, in the recorder's office of the county in which the seat of government is fixed, and there recorded, and a copy of such obligation from the records of said recorder's office, shall be admitted as legal evidence in any suit or

suits, that may or shall be brought against such secretary or his sureties.

§ 5. The salary of the secretary of state shall be four hundred dollars per annum, payable in quarterly payments, by warrant drawn on the treasurer, by the auditor for that purpose.

This act to take effect from and after its passage.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 11, 1816—APPROVED,

JONATHAN JENNINGS.

# CHAP. XXXI.

*AN ACT to regulate the practice of Physic and Surgery.*

§ 1. BE it enacted by the General Assembly of the State of Indiana, That for the purpose of regulating the practice of physic and surgery in this state; each circuit as laid off for holding circuit courts, shall compose one medical district, to be known as first, second or third medical district in the state of Indiana, according to the name of the circuit.

Medical dis-  
tricts esta-  
blished.

§ 2. In each medical district, there shall be a board of medical censors, to be organized in the following manner, viz: Doctors Elias M' Namee, Jacob Kuykendall, David M. Hale, Thomas Polke & Joel F. Casey are hereby declared to be, and compose the first board of medical censors, in and for the first medical district of the state of Indiana: Doctors Bradley "of Salem,"

Medical cen-  
sors.

For the 1st  
district.

W



For the 2nd district. P. R. Allen, Andrew P. Hay, James B. Slaughter and Samuel Meriwether, shall be and constitute the first board of medical censors, in and for the second medical district : and Doctors Jabez Purcival, D. F. Sacket, D. Oliver, Jno. Howes and Ezra Ferris, shall be and constitute the first board of medical censors in and for the third medical district. The medical censors of the first medical district are authorized and required to meet at the house of Peter Jones in the town of Vincennes, on the first Monday of June, in the year eighteen hundred and seventeen, and the medical censors of the second medical district, are authorized and required to meet at the court house in the town of Salem, on the first Monday of June, eighteen hundred and seventeen ; and the medical censors of the third medical district, are authorized and required to meet at the house of Walter Armstrong in the town of Lawrenceburg, on the first Monday of June, in the year eighteen hundred and seventeen, for the purpose of examining and licensing physicians to practice in this state.

For the 3rd district.

When they shall meet & where.

Censors shall give notice of the time and place of their meeting.

Shall examine applicants.

Shall grant license &c.

§ 3. The medical censors of each medical district, or a majority in each district having assembled in conformity to the preceding section, may, and they are hereby required to give notice by a written communication to the practising physicians in their respective districts, that they are appointed a board of medical censors for their respective districts, & that on a day & place certain, to be designated by the censors of each district ; there will be a meeting of the licensed physicians in their respective districts, to organize the medical society of the state of Indiana ; and that in the meanwhile, they will in conformity to the provisions of this act ; on application examine and licence to practice medicine, such as may apply to them and be judged qualified.

§ 4. The first board of medical censors in each medical district, or a majority of them, when assembled agreeably to the second section of this act, and until they shall be superseded in office,

are, and shall be authorised to examine, and licence to practice medicine in this state ; all who, on application, may be by them thought worthy of this important trust.

§ 5. In each medical district, the censors and licensed physicians of such district, having assembled in conformity to the provisions of this act, at the time and place mentioned and designated by the respective board of censors, may then, and from time to time thereafter, elect their own president, secretary and medical censors ; and being thus organized, shall from thence forward, be known in law and in equity, as a body corporate and politic, by the name and style of the board of physicians of the medical district of Indiana, and as such, may sue and be sued, plead and be impleaded, answer and be answered unto, & do and transact such business as they may be authorised by law, in their corporate capacity.

§ 6. Should the medical censors or a majority of them, of either medical district, as provided for in this act, refuse or neglect to comply with the requisitions and duties prescribed them by this act, by the first day of October next, then, and in that case, it shall and may be lawful, for the practising physicians of such medical district on that day to assemble themselves in their respective districts, at the place or places mentioned in the second section of this act ; any five of whom having met in such district, may proceed to choose their own president, secretary and medical censors ; and shall thenceforward be known in law and in equity, as a body politic and corporate, with the same powers and privileges, as if the same had been formed by the medical censors and licensed physicians of such district as mentioned in the preceding section.

§ 7. The board of physicians of each medical district shall have power to make their own bye-laws not inconsistent with the laws and constitution of this state, and for that purpose may after being organized, at their first meeting, adjourn to any other time and place they may think

When organized, shall be considered a body politic and corporate

The censors failing or refusing to act, practising physicians may form a board.

Censors may make their own bye-laws



proper. *Provided*, they shall meet in their own district, and shall not adjourn to more distant time than six months after any meeting, at which such adjournment is made.

Requisite  
qualification  
of applicants.

§ 8. It shall be the duty of the board of physicians of each medical district to admit to membership every physician or surgeon residing or wishing to practise in such district, who shall on examination before them, give proof of their qualification to practise in either of such professions, and reasonable evidence of their moral character; also to expel any member, who may be guilty of intemperance or immorality, on the same being duly proven before them.

Expences of  
the board  
how defrayed

§ 9. Each board shall publish their meetings a sufficient time beforehand, so that the time and place thereof may be generally known, and for the purpose of defraying the expenses thereof, and such other expenses as may be necessary in carrying into effect the provisions of this act, they may demand of each member on admittance any sum not exceeding five dollars, and a sum of each of the members of the society, not exceeding five dollars annually thereafter.

Permit may  
be granted  
to practice du-  
ring vacation

§ 10. No person who is not a member of the board of one of the medical districts of this state, shall have the benefit of the law for collecting his charges for professional services rendered by him after such board is organized: *Provided* however, Any person obtaining a permit to practise from any two of said board shall be considered as a member until their next meeting, and any person a member of a medical society and living in an adjoining state shall be entitled to all the privileges of a member of the board of physicians in this state.

Copy of their  
bye-laws to  
be forwarded  
to the presi-  
dent of the  
senate.

§ 11. Each board of physicians shall forward to the president of the senate of this state at their next session, a copy of their bye laws and rules established according to the provisions of this act, at which time the general assembly shall reserve to themselves the privilege of making such further regulations as they may think proper.

§ 12. It shall not be lawful for any physician or surgeon to charge or receive more than twelve miles and a half per mile for every mile he shall travel in going to and returning home from the place of residence (for the time being) of his patient, with an addition of a hundred per centum for travelling in the night. Nothing in this act shall prevent a future general assembly from making any alterations therein or from repealing it if they deem it expedient, neither shall any provision in this act prevent any person or persons of regular and respectable standing in the profession of physic and surgery in a neighboring state or territory from practising in this state.

Allowance for  
mileage.

Proviso.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 24, 1816, APPROVED,

JONATHAN JENNINGS.

## CHAP. XXXII.

*AN ACT to prevent certain immoral practices.*

§ 1. *BE it enacted by the General Assembly of the state of Indiana*, That if any person of the age of fourteen years or upwards, shall be found on the first day of the week, commonly called Sunday, sporting, rioting, quarreling, hunting, fishing, shooting, or at common labor, "work of necessity and charity only excepted." Any person so offending, shall be fined in any sum not exceeding three dollars, nor less than one dollar for every such offence; *Provided*, That nothing herein contained, shall be so construed, as to extend to those who conscientiously do observe the seventh day of

Persons aged  
fourteen  
years &c. fin-  
ed for sabbath  
breaking.

Proviso.



the week, as the sabbath, nor to prevent families emigrating, from travelling, superintendants or keepers of tollbridges, from attending on & superintending the same, watermen from landing their passengers, or ferryman from conveying over the waters travellers, or persons removing with their families on such days.

§ 2. If any tavern-keeper or other person shall sell or barter any spirituous liquors on the first day of the week commonly called Sunday, (except to travellers) such tavern keeper or other person so offending shall be fined in any sum not exceeding three dollars.

§ 3. If any person shall at any time interrupt, molest, or disturb any religious society or any member thereof when meeting or met together for the purpose of worship or of performing any other duties enjoined on, or appertaining to them, any person or persons so offending may be arrested and carried before any justice of the peace in the township wherein such offence shall have been committed and fined in the sum of three dollars.

§ 4. If any person of the age of fourteen years or upwards shall profanely curse, damn, or shall profanely swear by the name of God, Jesus Christ or the Holy Ghost, each and every person or persons so offending shall be fined in any sum not more than three dollars nor less than one dollar for every such offence, provided the fines imposed on any one person in any one day shall not exceed ten dollars.

§ 5. If any person or persons shall be found making or exciting any contention or disturbance at any tavern, court, election, or other meeting of the citizens for the purpose of transacting or doing any business appertaining to, or enjoined on them, each and every person so offending shall be fined in any sum not exceeding three dollars nor less than one dollar for every such offence.

§ 6. If any person or persons shall play bullets along or across any high way or in any street of any village or town within this state, or run horses, or shoot at mark within the limits of any such

town, village or high-way, every person or persons so offending, for each and every such offence, shall be fined in any sum not more than three dollars nor less than fifty cents.

§ 7. If any person or persons shall exhibit any puppet shew, wire dancing or tumbling within this state and shall ask or receive any money or other property for exhibiting the same, every such person or persons so offending, for each and every such offence shall be fined in the sum of three dollars.

§ 8. All prosecutions under the provisions of this act shall be commenced within ten days after the offence or offences shall have been committed, and all fines collected under authority of said act, shall be by the officer collecting the same paid into the county treasury within ten days after the said fine shall have been collected.

§ 9. In order to carry the provisions of this act into execution, it is hereby made the duty of all associate judges of the circuit courts and justices of the peace within their proper counties, and they are hereby severally authorised and required upon their own view to proceed against and punish every person or persons offending against the provisions of this act, or on information made on oath or affirmation shall issue a warrant to bring the accused forthwith before him, and shall in a summary way enquire into the truth of the accusation and if found guilty, shall enforce the penalty of this act annexed to this offence. It is hereby made the duty of all the sheriffs, coroners and constables to prosecute all offenders against the provisions of this act that may come within their knowledge; every officer whose duty it is made to carry the provisions of this act into execution, and shall fail so to do, shall be subject to an indictment and be fined in any sum not exceeding one hundred dollars for every such ne-

puppetshews wire dancing and tumbling prohibited.

Prosecutions when commenced. Fines paid into county treasury, and when.

Duty of associate judges and justices of the peace.

Shall issue warrant, or information on oath.

Duty of sheriff, coroners & constables.

Officers failing their duty, fined.



glect, to be recovered before any court having competent jurisdiction.

ISAAC BLACKFORD,

*Speaker of the House of Representatives,*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 3, 1817, APPROVED,

JONATHAN JENNINGS.

CHAP. XXXIII.

*AN ACT supplementary to the act entitled an act respecting crimes and punishments, approved September the 17th, 1807.*

Competent witnesses on indictment, &c.

§ 1 *BE it enacted by the General Assembly of the state of Indiana,* That in all cases of indictments or presentments for larceny, robbery or counterfeiting within this state, the person or persons from whom any goods, wares or merchandises or other thing whatsoever may or shall be stolen, and the person or persons whose name or names shall, or may be counterfeited or forged, to any instrument of writing of whatsoever nature or kind, shall be deemed and be taken both in law and equity competent witness or witnesses to establish the same; any law usage or custom to the contrary in any wise notwithstanding.

Incest punished.

§ 2 Every person who shall commit incest within this state, shall upon conviction for any such offence on indictment in any court of competent jurisdiction, be publicly whiped not exceeding fifty stripes and fined not exceeding one hundred dollars.

Adultery punished by fine

§ 3. That every married woman who shall have sexual intercourse with any other person than her husband; every unmarried man who shall have sexual intercourse with a married woman; and

every married man who shall have sexual intercourse with other women than his wife shall upon conviction thereof by indictment or presentment in any court of record within this state, be fined for every such offence in any sum not more than one hundred dollars, nor less than twenty five dollars.

By fine and punishment:

§ 4. That if any married woman shall hereafter desert her husband, and live and cohabit with another man in a state of adultery, upon conviction thereof she shall be imprisoned any term of time not exceeding six months; and if any married man shall hereafter desert his wife, and live and cohabit with any other woman in a state of adultery; or if any married man living with his wife, shall keep any other woman and notoriously cohabit with her in a state of adultery; or if any unmarried man shall live and cohabit with a married woman in a state of adultery, every person so offending upon conviction by indictment or presentment in any court of record having competent jurisdiction, shall be fined in any sum not exceeding two hundred dollars or imprisoned not more than six months or both, at the discretion of the court before whom such conviction may be had.

§ 5. This law to take effect and be in force from and after its publication.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 3, 1817, APPROVED,

JONATHAN JENNINGS.

CHAP. XXXIV.

*AN ACT supplementary to the act regulating Grist mills and millers.*

§ 1. *BE it enacted by the General Assembly of the state of Indiana,* That whenever any person



How owner of mills &c. to have race or canal through lands belonging to others or persons are desirous of erecting a grist-mill, furnace or water-works of any kind whatever which may be considered of public utility, and it should be found necessary by the proprietor or proprietors for the establishing of their contemplated water-works to have a mill-race or canal cut through the lands of another, it may be lawful for the proprietor or proprietors of such water-works to obtain a writ of *ad quod damnum* in the same manner as is directed in other cases by the act to which this is a supplement, and the same proceedings shall be had as to the summoning a jury, ascertaining damages and returning the inquest to the next circuit court of the county as is provided for in the said act; and if upon such inquest it shall appear reasonable to the said court that such mill race or canal ought to be made, and that the same would be of public utility, they shall make the necessary order for that purpose upon condition that the proprietor or proprietors of such water-works pay to the owner or owners of the said land such damages as may be assessed by the jury aforesaid; and the inquest and judgment as aforesaid shall be subject to the same regulations and have the same force and effect so far as is applicable, as in cases, provided for as to writs of *ad quod damnum* in the act to which this is a supplement.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 30, 1816—APPROVED,

JONATHAN JENNINGS.

# CHAP. XXXV.

## *AN ACT fixing the salaries of certain officers and for other purposes.*

§ 1. BE it enacted by the General Assembly of the state of Indiana, That the Governor shall be allowed, the annual salary of one thousand dollars, to be paid quarterly; that the judges of the supreme court shall be allowed the annual salary of seven hundred dollars each payable quarterly. That the president of the circuit courts shall be allowed the annual salary of seven hundred dollars each, payable quarterly.

Annual salary to the Governor & judges

§ 2. That every member of this general assembly shall be entitled to, and allowed for each and every day's attendance, the sum of two dollars, and the sum of two dollars for every twenty-five miles travelling to and from the seat of government, the most usual road. The president of the senate and speaker of the house of representatives shall be allowed for each day's attendance on the general assembly the sum of two dollars, and for travelling, the same that is given to other members. The secretary of the senate shall be allowed four dollars; the clerks of the house of representatives three dollars and seventy five cents each; and the door-keeper to the senate and house of representatives two dollars each for every day's attendance on their respective houses.

Allowance to members of general assembly

§ 3. The compensation which may or shall be due to the members, secretary, and door-keeper of the senate shall be certified by the president thereof; and that which shall be due to the members, clerks and door keeper of the house of representatives shall be certified by the speaker of the house of representatives.

To clerks

§ 4. Each member of the late convention shall be allowed for each day's attendance on the same, the sum of two dollars, and also, the sum of two dollars for every twenty-five miles travel-

Allowance to members of convention,



secretaries,  
&c.

ling to and from the seat of government, the most usual road. And the secretary and assistant secretaries of said late convention be allowed for each days attendance on the same, the sum of three dollars and fifty cents each, and that the door-keeper of the same be allowed for each day's attendance the sum of two dollars, and the assistant door keeper the sum of two dollars per day.

§ 5. The president of the late convention shall give a certificate of the compensation due the members, secretary, assistant secretaries, door keeper and assistant door-keeper of said convention.

§ 6. It shall be the duty of the auditor of public accounts to audit the several claims by this act allowed, which shall be paid out of the state treasury as other audited claims are.

This act to take effect from and after its passage.

ISAAC BLACKFORD,

*Speaker of the House of Representative*

CHRISTOPHER HARRISON,

*President of the Senate*

DECEMBER 27, 1816, APPROVED,

JONATHAN JENNINGS.

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CHAP. XXXVI.

*AN ACT to amend the act now in force regulating Elections.*

§ 1. BE it enacted by the General Assembly of the state of Indiana, That one of the persons in each township authorized to hold an election in the different townships in the county of Orange, to fill the seat of Jonathan Lindley, which was vacated by the house of representatives, together with the sheriff of the county of Orange, are hereby

authorized and directed to meet at the court house of said county, on the day following said election, then, and there, to compare the polls of the different townships of the county aforesaid; and it shall be the duty of the sheriff of said county forthwith to deliver to the person having the greatest number of votes, a certificate of his said election.

This act to be in force from and after its passage.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate,*

NOVEMBER 14, 1816—APPROVED,

JONATHAN JENNINGS.

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CHAP. XXXVII.

*AN ACT providing for the payment of certain Claims.*

§ 1. BE it enacted by the General Assembly of the state of Indiana, That whenever, within the period hereinafter mentioned, any person or persons shall present at the auditors office for payment, any warrant or warrants issued by authority of the late territorial government of Indiana, in favor of any person or persons, and which remain unpaid; it shall be the duty of the said auditor of public accounts to calculate the interest due thereon, and endorse the same on such warrant or warrants, and enter the amount of principal and interest of every such warrant, the time when it was issued, and the name of the person in whose favor drawn, in a book to be kept for that purpose, and after having filed such warrant, to draw on the treasurer of the state for the amount

Auditor to draw on treasurer for amt. of territorial warrants



of the principal and interest, in favor of the party entitled to the same, and the said treasurer shall pay the same out of any monies in the treasury not otherwise appropriated.

When warrants to be presented

§ 2. All such territorial warrants as aforesaid shall be presented for payment as aforesaid on or before the first day of March next or no interest shall be paid thereon after that period.

When auditors power cease if not presented

§ 3. If any person shall neglect or refuse to present for payment as aforesaid any such territorial warrant on or before the first day of May next he shall not at any time afterwards have any right so to do, and the state shall be under no obligations after the period last mentioned for the payment of any of the said warrants, nor shall the auditor of public accounts be authorised to liquidate or settle any such claims after that time.

Auditor to give notice

§ 4. The said auditor shall give notice to the public on or before the first day of February next of the passage of this law, and that funds have been deposited in the treasury for the payment of the said territorial warrants, which notice shall be published in every news-paper of this state, and in one news-paper published at Louisville, Kentucky, and at Cincinnati, Ohio, for three weeks successively.

This act to take effect from and after its passage.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 3, 1817, APPROVED,

JONATHAN JENNINGS.

CHAP. XXXVIII.

*AN ACT supplementary to the act entitled "an act, organizing and regulating the Militia of the Indiana Territory."*

§ 1. *BE it enacted by the General Assembly of the State of Indiana,* That the militia of this state shall be divided into divisions and brigades as follows, to wit: the counties of Knox, Sullivan and Davies, shall form the first brigade, the counties of Gibson, Posey, Warrick, Perry and Pike, shall form the second brigade, and those two brigades shall form the first division: the counties of Harrison and Clark, shall form the third brigade; the counties of Orange, Washington and Jackson, shall form the fourth brigade, and those two brigades shall form the second division: the counties of Jefferson, Jennings, Switzerland and Dearborn, shall form the fifth brigade; the counties of Franklin and Wayne, shall form the sixth brigade; and those two brigades shall form the third division.

Divisions and brigades laid off

§ 2. It is hereby made the duty of commandants of regiments, battalions and companies, who reside within the different brigade districts as herein laid off, to meet at such place as shall hereafter be directed, on the third Monday in February next, and then and there to proceed to lay off said brigade districts into regiments, battalions and companies; the officers of the first brigade shall meet at the court house in Vincennes in the county of Knox; the officers of the second brigade, shall meet at the court house in the county of Gibson; the officers of the third brigade shall meet at the house of Anthony Livers, in the county of Clark; the officers of the fourth brigade shall meet at the court-house in Salem in the county of Washington; the officers of the fifth brigade shall meet at the court-house in the county of Switzerland; and the officers of the sixth

Comdt. of regiments &c.

When and where to meet



brigade shall meet at Connorsville. And it shall be the duty of the senior officers constituting said meeting or board of officers to transmit within ten days thereafter a copy of their proceedings, to the adjutant general's office so far as relates to the number and boundaries of regiments by them established; and it shall be the duty of the adjutant general to number the respective regiments from one up to the number of regiments formed in the state: *Provided however*, That no officer who resides the distance of fifty miles from the place of the meeting of the officers of such brigade shall be compelled to attend said meeting.

Duty of officer highest in command

Proceedings in elections

§ 3. It shall be the duty of the officer highest in command, in each and every battalion established as aforesaid to advertise an election in some central place, in each and every company district in their respective battalions, on the third Saturday of March next, at which the qualified voters shall attend, and elect one captain, one lieutenant, and one ensign to command the respective companies, which election shall be conducted as directed in the act, to which this is an amendment; and the clerk and judges of such election shall make return of the same to the senior officer of the brigade. And it shall be the duty of the senior officer in each regiment, to advertise an election in some central place in the regiment on the third Saturday in April next, at which the qualified voters in their respective regiments, shall attend for the purpose of electing one colonel, one lieutenant colonel and one major, to command such regiment, and when met, shall choose three judges and one clerk, in the manner directed by law for choosing a clerk and judges for company elections; and when sworn, shall proceed to receive the votes between the hours of eleven o'clock A. M. and four o'clock P. M. of said day, and after having received and counted the votes, shall declare the persons having the highest number of votes duly elected, and shall forthwith make out a certificate of the said election under their hands and seals, and deliver

the same to the officer highest in command in the brigade, who shall transmit the same with the certificates of company elections, to the adjutant general's office, and the adjutant general shall lay the same before the Governor, who shall issue commissions accordingly.

§ 4. It shall be the duty of the officers commissioned in pursuance of this act, to meet on the second Saturday in May next, at the place where the election for field officers shall have been held in each regiment for the purpose of electing one brigadier general and one major general, to command their respective brigades and divisions; which election shall be held and conducted in the manner directed in the act to which this is an amendment, for the holding and conducting elections for field officers: And after the votes shall have been received and counted, the officer highest in rank present, shall make out in presence of the judges and clerk of said election, two separate lists of the votes given for brigadier general, and two separate lists of the votes given for major general, and shall transmit one of each lists to the adjutant general's office, and the other shall be preserved for the inspection of those concerned in cases of contested elections: and when the adjutant general shall have received the returns from the regiments in the different brigades and divisions, he shall make out a statement of the votes given for the several candidates in the different brigades and divisions, and lay the same before the Governor, who shall commission those who have the highest number of votes accordingly.

Major & brigadier Genl. how elected.

§ 5. All contested elections shall be determined, and all vacancies occasioned by resignation or otherwise, shall be filled in the manner directed in the act to which this is an amendment: *Provided however*, That it shall be the duty of the Governor to order elections to fill vacancies in the office of brigadier or major general, and if the election of any brigadier or major gen-



eral be contested, the Governor shall direct five field officers to assemble as a court of enquiry to try such contest and their decision shall be final.

Officers failing to attend  
 § 6. If the officers of any brigade established by this act, or a majority of them shall meet at the time and place specified in this act for the laying off company, battalion, and regimental districts, then and in that case the districts now established in such brigade shall be and the same is hereby established until altered according to law.

Persons conscientiously scrupulous  
 § 7. All persons who are conscientiously scrupulous of bearing arms, who are subject to do militia duty, are and they are hereby exempted from mustering either in companies, battalions or regiments: *Provided however*, That the captains or commandants of each militia company in this state shall make out a list of all such persons in the bounds of their respective companies and deliver the same to the commandant of the regiment on or before the first day of June annually who shall make or cause to be made out under his inspection two entire lists of all such persons so returned in the regiment under his command and deliver one to the sheriff of the county in which they respectively reside, on or before the tenth day of June annually, and the other he shall transmit to the auditor of public accounts who shall preserve the same. And the sheriff, after he shall have given such security as the commandant may deem sufficient for the faithful performance of the duty as herein required, shall proceed to collect the sum of five dollars from each and every person on the list so delivered to him: in the collection of which he shall proceed in the same manner and be governed by the same regulations that is provided for collecting taxes in other cases, and he shall pay the money so arising into the state treasury at the same time the state taxes are directed to be paid, and for failure thereof shall be subject to like penalties and forfeitures that he is for failing to collect or pay over the state taxes.

Persons aggrieved may appeal  
 § 8. Any person thinking himself aggrieved in any case arising under the foregoing section of this act, either by the commandant of a company, or the collector, may appeal to the regimental court of enquiry, which court shall hear and determine the case, and order right and justice to be done to those who may be injured or aggrieved.

§ 9. Nothing contained in this act shall be so construed, as to exempt persons conscientiously scrupulous of bearing arms from being subject to pay the like fines and penalties for the non-performance of tours of duty when called on as other militiamen and who refuse or neglect to perform tours when legally called into the service of the United States or of this state.

Adjut. general's duty  
 § 10. It shall be the duty of the adjutant general, to keep his office at the seat of government, and if any person appointed adjutant general shall refuse or neglect to keep his office at the seat of government as herein directed such refusal or neglect shall be deemed equivalent to a resignation of his office and the vacancy shall be filled accordingly. The adjutant general shall be allowed the sum of fifty dollars annually, to be paid out of any money in the state treasury not otherwise appropriated.

Repealing section  
 § 11. So much of the act to which this is an amendment, as requires company and battalion courts of enquiry, be and the same is hereby repealed; and it shall be the duty of commandants of companies and battalions to make their returns of delinquents to the regimental courts of enquiry which court is hereby directed and empowered, to hear and determine such cases according to law.

§ 12. So much of the act to which this an amendment, as comes within the perview of this act, be and is hereby repealed.



This act shall be in force from and after its passage.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 3, 1817, APPROVED,

JONATHAN JENNINGS.

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CHAP. XXXIX.

*AN ACT more effectually to prevent dueling.*

§ 1. *BE it enacted by the General Assembly of the state of Indiana.* That all officers in and belonging to the legislative department of government, who now are, or shall be hereafter elected, before they enter upon the discharge of the duties of their aforesaid offices, shall take the following oath in addition to what is now by law directed to be administered to them, that "he or they (as the case may be) have neither directly nor indirectly gave, accepted or knowingly carried a challenge to any person or persons to fight in single combat, or otherwise with any deadly weapon, either in or out of this state since the twenty ninth day of June 1816; and that he or they, will neither directly or indirectly, give, accept or knowingly carry a challenge to any person or persons, to fight in single combat or otherwise, with any deadly weapon either in or out of this state, during their continuance in office," and upon their refusing to take the oath aforesaid, their office shall be vacated, and be filled in the same manner, as if they had resigned.

§ 2. All officers in the executive department of government as well civil as military, and all

Oath prescribed to officers belonging to the legislative department.

those who shall hereafter be elected or appointed and commissioned, shall in addition to the oath already to be administered, take the oath prescribed in the first section of this act, and those who are not now directed by law to be sworn, shall also, before they enter upon the discharge of the duties of their aforesaid office, take the aforesaid oath; and upon their failing or refusing to take the aforesaid oath, their office shall be vacated, and filled in like manner as if they had resigned.

§ 3. All persons in the judicial department of government, and all those who shall hereafter be elected or appointed and commissioned, shall before they enter upon the discharge of the duties of their aforesaid office, take the oath prescribed in the first section of this act: and upon their failing or refusing so to do, their office shall be vacated and filled in like manner as if they had resigned.

§ 4. To all and every person, who may hereafter desire to practice as an attorney or counselor at law, in any court in this state, in addition to the oath already prescribed by law to be taken by them, the oath prescribed in the first section of this act shall be administered; and upon their failing or refusing to take said oath, they shall not be permitted to practice as an attorney or counselor at law in said court.

§ 5. Each and every person, who by virtue of the provisions of this act, shall administer the oath prescribed in the first section of this law, to any person or persons, shall return a certified copy of such oath, mentioning therein the name of the person who took the oath and the nature of his office, to the clerk of the circuit court of the county where such oath was administered, within thirty days after the same shall have been administered; to be by said clerk recorded in a book to be kept for that purpose; and if any person, whose duty it shall be to certify with the requisitions of this section, shall fail to perform the same, he or they upon conviction by indictment, shall

Duty of persons authorized to administer oaths.



be fined in any sum not exceeding one hundred dollars, nor less than ten dollars.

§ 6. If any person shall take a false oath under the preceding sections of this act, upon conviction thereof by indictment, he shall suffer all the pains and penalties of perjury.

Seconds competent witnesses. § 7. Hereafter when any person shall be prosecuted, for having sent or received a challenge, or having fought a duel and having killed or wounded his opponent, the bearer of the challenge, or of the answer thereto, or the second or seconds, shall be exempt from any punishment or penalty therefor, and be considered, deemed and taken as competent witnesses on the said prosecution.

Penalty on a citizen fight without the state. § 8. If any citizen or person residing within this state shall go into any other state or territory, belonging to the United States, for the purpose of fighting a duel, and shall actually fight the same, shall upon conviction thereof by indictment, be fined in any sum not exceeding two thousand dollars, nor less than one hundred dollars.

§ 9. It shall be the duty of every person having knowledge of any other person or persons, having sent or received a challenge to fight a duel or in single combat with any deadly weapon, immediately to go before some judge or justice of the peace, and upon oath give information thereof; and every person failing to give such information, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, nor less than one hundred dollars.

§ 10. All fines assessed under this act, shall when collected, be paid into the county treasury where the same are assessed, and be appropriated to the use of seminaries of learning.

ISAAC BLACKFORD,  
*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,  
*President of the Senate.*

JANUARY 3, 1817. APPROVED.  
JONATHAN JENNINGS.

CHAP. XL.

*AN ACT to provide for the election of senators and representatives from this state to the congress of the United States.*

§ 1. *BE it enacted by the General Assembly of the state of Indiana,* That when the term of service of any senator in congress from this state is about to expire it shall be the duty of the general assembly, at their session last preceding the expiration of the term of service of such senator to elect by joint ballot of both houses (on such day and at such place as they may agree upon) a suitable person to serve as a senator from this state to the congress of the United States for the next succeeding six years: *Provided,* That no person shall be considered elected unless he gets a number of votes equal to a majority of all the voters present.

Senators in congress when & how elected.

§ 2. In all such elections the president of the senate shall preside and there shall be two tellers, one to be appointed by the president of the senate and one by the speaker of the house of representatives; in their houses respectively before they meet to conduct such election, notice of which appointments shall be given to each house respectively, when made by such messenger as the president of the senate and speaker of the house of representatives shall direct; and in voting each member shall be called alphabetically, beginning first with the senators, and when voting it shall be the duty of the secretary of the senate and clerk of the house of representatives to attend and take down the name of each person voting, also a tally of the votes received by each person voted for as the tellers read the tickets, which tally papers they shall compare after all the votes are counted out, and if they agree, they shall jointly sign each of them, and hand them to the president of the senate, who together with the speaker of the house



of representatives shall examine them, and if any one person is elected, he shall be proclaimed by the president of the senate duly elected to serve as a senator of this state to the senate of the United States for the term of six years from and after the third day of March next succeeding such election; but if no person should be elected they shall continue to ballot again and again until some person is elected: *Provided however*, If after five ballotings there should be no election, the president of the senate may adjourn such election to some future day during said session.

Governor to give the person elected a certificate.

§ 3 It shall be the duty of the president of the senate and speaker of the house of representatives to certify to the governor the person elected, whose duty it shall be, to give to the person elected, a certificate of his election under his hand and seal of the state.

May fill vacancies.

§ 4. Senators to fill vacancies that may happen in the senate of the United States, shall be elected as heretofore directed in this act, and when any vacancy may happen during the recess of the general assembly, the Governor shall appoint a person to fill such vacancy, until superceded by a person elected as heretofore directed.

Representative in congress when & how elected.

§ 5. A representative to Congress from this state, shall be elected on the first Monday of August 1817, for the fifteenth congress, and on the first Monday of August 1818, for the sixteenth congress; and a representative or representatives from this state to each succeeding congress of the United States, shall be elected biennially thereafter.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 3, 1817, APPROVED,

JONATHAN JENNINGS.

# CHAP. XLI.

*AN ACT adopting the bank of Vincennes as the State Bank of Indiana, and for other purposes.*

§ 1. *BE it enacted by the General Assembly of the State of Indiana*, That the bank of Vincennes established at Vincennes by an act of the legislature of the Indiana territory approved the tenth day of September, eighteen hundred and fourteen, entitled "An act to incorporate the president, directors and company of the bank of Vincennes," be and the same is hereby adopted as the state bank of Indiana, until the first day of October, in the year of our Lord one thousand eight hundred and thirty-five, and no longer, by authority of the constitution in such case made and provided, and as such state bank shall be styled and known, until the year last aforesaid.

Adopted and styled the state bank.

§ 2. The capital stock of the said bank shall be, and the same is hereby enlarged and extended by an additional capital of one million of dollars, divided into ten thousand shares of one hundred dollars each, of which three thousand seven hundred and fifty shares, amounting to three hundred and seventy-five thousand dollars are hereby reserved for the state, to be subscribed for from time to time by the Governor thereof as it shall be found convenient, having due regard to the funds out of which such shares shall be payable; and the remaining six thousand two hundred and fifty shares may be subscribed for by individuals, companies or bodies corporate in the manner hereinafter specified.

Capital stock, reservation to the state.

§ 3. Subscriptions towards constituting such additional bank stock for three thousand shares, shall be opened on the first day of April next, as follows, to wit: at Centerville, in the county of Wayne, for two hundred shares, under the direction of James Pegg, Aaron Martin and John Sprow; at Brookville, in the county of Franklin,

Subscriptions when and where to be opened, and returned to the bank.



for three hundred and fifty shares, under the direction of William H. Eads, Robert John and John Jacobs; at Lawrenceburgh, in the county of Dearborn, for three hundred and fifty shares, under the direction of Isaac Dunn, John Gray and David Rees; at Vevay, in the county of Switzerland, for two hundred shares, under the direction of John Gilliland, Lawrence Nichol and Daniel Dufour; at Madison, in the county of Jefferson, for three hundred shares, under the direction of David H. Maxwell, John Sering and Alexander A. Meek; at Charlestown, in the county of Clark, for three hundred and fifty shares, under the direction of James Scott, Evan Shelby and A. P. Hay; at Brownstown, in the county of Jackson, for one hundred shares, under the direction of John Ketchum, Alexander C. Craig and John M'Cormick, Sen. at Peola, in the county of Orange, for one hundred shares, under the direction of John G. Clarendin, William Lindley, Sen. and Thomas Fulton; at Salem in the county of Washington, for three hundred shares, under the direction of Marston G. Clarke, Jonathan Lyon and Samuel Craig; at Corydon, in the county of Harrison, for three hundred and fifty shares, under the direction of Allen D. Thom, David Craig and Milo R. Davis; at Troy, in the county of Perry, for one hundred shares, under the direction of John Stephenson, Solomon Lamb and Thomas Morton; at Darlington, in the county of Warrick, for one hundred shares, under the direction of Daniel Grass, Hugh M'Gary and Ratliff Boone; at in the county of Posey, for one hundred shares, under the direction of Frederick Rapp, Thomas E. Castlebury & Thomas Givens; at Princeton, in the county of Gibson, for one hundred shares, under the direction of William Prince, Robert M. Evans and James Jones; and in each and every county organised at the present session of the general assembly, or which may at any time hereafter be organised, subscriptions shall be opened at the seat of justice in eve-

ry such county for any number of shares not exceeding one hundred, at such times and in such manner as the general assembly may direct; which subscriptions shall be made under the same rules, regulations and restrictions as are prescribed in the act of incorporation aforesaid, for the subscriptions to the original stock, and shall continue open for the space of sixty days unless sooner filled; and such shares as shall be unsubscribed for at the expiration of that time shall be returned to the bank.

§ 4. The three thousand two hundred and fifty remaining shares, and returned and forfeited shares, shall be subscribed for in such manner and at such times as the president, directors and company of the said bank shall direct and appoint, by and with the advice and consent of the Governor of the state.

§ 5. The subscribers to the said additional stock hereby granted to the bank aforesaid, their successors and assigns, shall be and they are hereby made a constituent part of the corporation and body politic, created by the act of the territorial legislature aforesaid under the name and style of the president, directors and company of the bank of Vincennes, confirmed in their charter by the constitution of the state, and by authority thereof, hereby adopted as the state bank of Indiana; and as such constituent part of the said corporation and body politic shall be entitled to the same rights and privileges, and subject to the same rules and regulations.

§ 6. It shall be lawful for the directors of the said state bank to organise offices at such places within this state as they may select, for the purpose of discount and deposit, upon the same terms and in the same manner as shall be practised at the mother bank, and to commit the management of the said offices, and making of the said discounts to eleven directors for each branch bank, who shall continue in office until others are appointed in their place by the directors of the state bank and shall be stockholders & subscribers

Remaining, returned and forfeited shares how subscribed for

Subscribers to additional stock part of the corporation.

Directors to organize offices of discount and deposit.

Eleven directors for each branch one of whom to be president.



within the three counties, for which the branch may be established, one of whom shall be the president of such branch, and the same number shall form a quorum as at the mother bank who together with the officers appointed by the said directors of the mother bank for transacting the business at the branches, shall be under such agreements and subject to such regulations as the said directors of the state bank may deem proper, not being contrary to law, or the constitution of the bank; and such offices when so organized, shall be, and the same are hereby established as branches of the said state bank: *Provided* there shall not be established more than one branch for any three counties, nor in more places than the capital of the state bank will authorize, unless there shall be subscribed to the said state bank, and paid in specie on the part of individuals, a sum equal to thirty thousand dollars. And the capital stock employed at such branch shall be at least equal to the amount subscribed in the said three counties, and actually paid on the part of individuals if so much capital can be there advantageously employed.

Proviso.

Farmers and Mechanic's bank becoming a branch, under what conditions and regulations.

§ 7. Whenever the Farmers and Mechanics bank of Indiana at Madison, agree to have their corporation dissolved, and become a branch of the state bank aforesaid, and such agreement is officially made known to the directors of the state bank, the said directors shall immediately proceed, at the request of the said Farmer's and Mechanics bank, to organize an office at Madison aforesaid, for the purpose of discount and deposit, and upon the same terms, and in the same manner as shall be practised at the bank, and commit the management of the said office, and making of the said discounts to such directors and officers, under such agreements, and subject to such regulations as at other branches; and such office when so organized, shall be, and the same is hereby established as a branch of the said state bank. And the general assembly at their next session after the organization of such branch at Madison, may

by and with the consent of said corporation at Madison, declare such corporation dissolved, except so far as may be necessary for the purpose of faithfully and finally adjusting and closing the business of the corporation, which might be unsettled at the time of the dissolution aforesaid. The capital of the said branch bank at Madison, when organized and established as aforesaid, shall be at least equal to the amount subscribed in three counties, of which Jefferson shall be one, to the state bank, and actually paid on the part of individuals, if so much capital can be there advantageously employed.

§ 8. When the Governor shall subscribe for any shares in pursuance of this act, he shall certify the same to the auditor, who shall accordingly issue his warrant or warrants on the treasurer in favor of the bank, for any monies due by such subscription, which shall be payable out of such fund or funds as shall by law be set apart for that purpose.

§ 9. For the correct management of the affairs of the said state bank, in addition to the directors now provided for the government thereof, there shall be three additional directors on the part of the state to be elected annually by joint ballot of both houses of the general assembly, who shall continue in office for one year, and until others shall be elected as aforesaid to supply their place: *Provided*, That not more than one of whom shall reside in any one senatorial district. And for every hundred thousand dollars subscribed for stock on the part of the state, the general assembly shall elect one director in addition to those previously elected as aforesaid, who shall continue in office one year, and until the general assembly shall elect others in their place: *Provided however*, That the whole number of directors of the said state bank shall never exceed fifteen, nor shall any more than five of such directors ever be elected on behalf of the state.

§ 10. The Governor of the state shall be furnished from time to time as often as he may require

State subscriptions how paid.

Three directors on the part of the state shall be annually elected.

Proviso.

Proviso.

Governor may require



statements of capital debts due &c. require it, not exceeding once a month with statements of the amount of the capital stock of the said bank, and of the debts due the same, of the monies deposited therein, of the notes in circulation and of the cash on hand; and shall have a right to inspect such general accounts in the books of the said bank as shall relate to the said statements. And the general assembly shall also be furnished annually with like statements of the situation of the bank and its branches during their session, if they require it: *Provided*, That this shall not be so construed as to imply a right of inspecting the accounts of any individual or individuals, co-partnership, or body corporate or politic, with the bank.

President and directors shall loan to the § 11. The president, directors and company of the said bank, and adopted as the state bank aforesaid, shall, and they are hereby required to loan to the state at an interest of six per centum per annum payable annually any sum of money in specie or in bank notes on chartered banks current and at par throughout the state, not exceeding fifty thousand dollars for any length of time not exceeding five years, whenever, during the existence of their charter, such loan may be authorised by law.

State and individual subscribers entitled to dividends. § 12. The state, and individuals who may have subscribed to said corporation, shall be entitled to dividends in proportion to the monies actually paid to said bank by them respectively.

Directors limited as to loans and endorsements. § 13. No director of any branch of said state bank shall have on loan at any one time more than the sum of five thousand dollars, nor shall he be an endorser at any one time for a greater amount than ten thousand dollars, unless previously authorised by a law of the state.

When to take effect. Proviso. § 14. This act shall take effect on the tenth day of March next: *Provided*, That consent on the part of the said corporation at Vincennes to the same shall be duly and legally made in writing to the satisfaction of the Governor, at or be-

fore that time, and recorded in the office of the secretary of state.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 1, 1817, APPROVED,

JONATHAN JENNINGS.

## CHAP. XLII.

*AN ACT to revive the act entitled an act to incorporate the Corydon Seminary.*

§ 1. *BE it enacted by the General Assembly of the State of Indiana*, That the act entitled an act to incorporate the Corydon seminary, be, and the same is hereby revived with all the powers and privileges, and under all the restrictions therein granted as is prescribed: *Provided however*, That no limitation therein mentioned shall be construed so as at any time hereafter to dissolve the same. But if no election shall be held at the time prescribed in said act, the trustees for the time being, shall continue until another election may be ordered by the trustees.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 27, 1816, APPROVED,

JONATHAN JENNINGS.



## CHAP. XLIII.

*AN ACT for the formation of a new county out  
of the county of Knox.*

Boundaries.

§ 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the fifteenth day of February next, all that part of the county of Knox, which is contained in the following boundary shall constitute and form a new county, (*viz.*) beginning at the forks of White river, running thence with the east fork of White river to the mouth of Lick creek, thence up the said Lick creek, to the line of Orange county, thence north with the said line to where it strikes the west branch of White river, thence down the said west fork to the place of beginning.

Name.

§ 2. That the said new county shall be known and designated by the name and style of the county of Davies, and shall enjoy all the rights and privileges and jurisdictions which to a separate county does or may properly appertain and belong: *Provided always*, That all suits, pleas, plaints, actions and proceedings in law or equity which may have been commenced or instituted before the fifteenth day of February next, and are now depending within the said county of Knox, shall be prosecuted and determined in the same manner as if this act had not been passed: *Provided*, That all taxes of whatever nature or kind, assessed or which may be assessed previous to the said fifteenth day of February, or now due, or which may become due before that time within the bounds of said new county, shall be collected in the same manner and by the same officers as if the aforesaid new county had never been erected.

Suits to be  
prosecuted &  
taxes collect-  
ed in Knox.

1- § 3. *Be it further enacted*, that William  
10 Bruce and Henry Rable, of the county of Knox;  
David Robb and William Barker of the county  
of Gibson, and Thomas Finken of the county of  
Orange, be, and they are hereby appointed com-

missioners to fix the seat of justice for said county of Davies, and the several sheriffs of the counties of Knox, Gibson and Orange, shall notify the said commissioners of their said appointments; and the said sheriffs shall receive from the said county of Davies, so much as the county court of the said county of Davies shall deem just and reasonable, who are hereby authorised to allow the same out of any monies in the county treasury not otherwise appropriated; and the said commissioners shall on the first Monday of March next meet at the house of Alexander Bruce, of said county, and shall immediately proceed to establish the seat of justice for said county of Davies; and until the seat of justice shall be established, and until suitable public buildings shall be erected, the circuit courts and county courts for the said county of Davies shall be holden at the house of said Alexander Bruce, & so soon as suitable public buildings shall be erected, so as to accommodate the courts aforesaid, the said courts shall meet at the house of the said Alexander Bruce, and shall adjourn the said court to the court house, after which time the said courts for the county of Davies shall be holden at the county seat so as aforesaid established: *Provided*, That the agent or person appointed by law to lay off the town and sell the lots at the seat of justice of the county of Davies, shall reserve ten per centum out of the proceeds of the sale of the town lots, and shall pay the same over to such person as shall be appointed to receive it by law, for the use of a public library for said county, in such instalments and at such times as shall be prescribed by law.

Allowance to  
sheriffs.Court where  
held.Ten per cen-  
tum allowed  
for public li-  
brary.

§ 4. *And be it further enacted*, That all that part of the county of Knox, which lies east of the east fork of White river, and south of Lick creek, be added to and constitute a part of Gibson county: *Provided*, That all suits, pleas, plaints and prosecutions, now pending in the county of Knox, shall be prosecuted to final judgment in

Part of Knox  
attached to  
Gibson.



the same manner as if this act had not been passed: *And provided also*, That all state and county taxes which has been levied in the county of Knox, shall be collected and accounted for in the same manner as if this law had never passed.

§ 5. *And be it further enacted*, that the said county of Davies shall constitute and form a part of the representative and senatorial district for the county of Knox.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 24, 1816, APPROVED,

JONATHAN JENNINGS.

#### CHAP. XLIV.

*AN ACT incorporating a county Library in the county of Pike and for other purposes.*

§ 1. *BE it enacted by the General Assembly of the state of Indiana*, That the qualified voters of the county of Pike, are hereby authorised to assemble themselves at the place of holding courts in said county, on the first Monday in September next, and on the first Monday in September in every year thereafter, and when so assembled, may, and they are hereby required (after having first chosen a chairman and a secretary) to elect a president and five trustees for the county library of said county, to serve for the term of one year, and until their successors are duly elected and qualified; and the president and trustees chosen in manner aforesaid together with the qualified voters of said county of Pike, are hereby created and declared to be a corporation and body politic with

Officers when  
and how elect  
ed.

perpetual succession by the name of the president, trustees and proprietors of the county library of the county of Pike, and shall in their corporate capacity, be able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of justice, and to make and use one common seal, and the same to change and alter at pleasure.

§ 2. The president and trustees elected in manner aforesaid, and the president and trustees elected at every annual election thereafter, shall within ten days after their election, severally take an oath or affirmation, before some person authorised to administer the same, for the faithful performance of the duties of their office, before he or they shall be authorised or permitted to execute the same.

To make oath

§ 3. The president and trustees qualified in manner aforesaid, shall proceed by ballot, to elect one librarian and treasurer, and such other subordinate officers as they may think necessary, and shall have power from time to time, and at all times thereafter, to make such bye-laws, ordinances and regulations in writing not inconsistent with the laws of this state and the constitution of the United States, as may be necessary for the government of the institution. The treasurer shall give bond with such security as the president and trustees may direct.

Officers when  
and how elect  
ed.

§ 4. The general assembly of this state reserve the power of altering or amending this act and to alter or amend any bye-laws of said corporation, when to them it may appear necessary or advisable so to do.

Officers pow-  
ers and duty.

§ 5. The agent of the county seat of said county of Pike, is hereby required to pay over to the treasurer of said corporation, all sums of money which he may receive from the sales of lots in the county seat of said county by virtue of the constitution and laws of this state, for the benefit of a county library whenever required so to do by

Agent of coun-  
ty seat to pay  
over money  
&c.



the president and trustees of the corporation aforesaid.

Power of officers to appropriate money § 6. The president and trustees of the county library aforesaid, are authorized to demand and receive upon their order, all monies that may be paid into the treasury of their corporation for the benefit of a county library for said county, and lay out the same in the purchase of books, and such other property real or personal as they may think conducive to the advancement and benefit of said corporation, subject to such rules and laws as the general assembly may at any time establish: *Provided however*, that the said corporation shall at no time hold any property real or personal, except books to a greater amount than five hundred dollars.

Davies, Jennings and Sullivan, counties entitled to the benefit of this act, § 7. The same power, privileges and authority that are granted to the qualified voters of the county of Pike, to organize, conduct and support a county library; by virtue of the preceding sections of this act; are hereby extended and granted to the qualified voters of the counties of Davies, Jennings and Sullivan.

This act shall be in force from and after its publication.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 2, 1817, APPROVED,

JONATHAN JENNINGS.

CHAP. XLV.

*AN ACT for the formation of a new county out of the of counties of Jackson and Jefferson and for other purposes.*

§ 1. *BE it enacted by the General Assembly of the state of Indiana*, That from and after the first day of February next, all that part of the counties of Jackson and Jefferson, which is included in the following bounds, shall form and constitute a new county (that is to say) beginning on the line of the Grouseland purchase, at the intersection of the line dividing ranges six and seven east; thence south with said line to the line dividing townships three and four north; thence east six miles; thence north six miles; thence east with another township line four miles; thence north two miles; thence east two miles; thence north two miles; thence east two miles; thence north two miles; thence east with the line dividing township five and six north, to the south east corner of section thirty one in township six north, range ten east; thence north with the sectional line to the Indian boundary; thence westwardly with said line to the place of beginning. Boundaries.

§ 2. The said county shall from and after the first day of February next, be known and designated by the name and style of the county of Jennings, and it shall enjoy all the rights and privileges and jurisdictions, which to a separate county does or may properly appertain & belong: *Provided always*, that all suits, pleas, complaints, actions and proceedings which may before the said first day of February next have been commenced, instituted and pending within the now counties of Jackson and Jefferson, shall be prosecuted to final judgment and effect in the same manner, as if this act had never been passed: *Provided also*, that the state and counties, levies or taxes which are now due within the bounds of the said new county, Name.

Suits prosecuted levies and taxes collected as here tofore.



shall be collected and paid in the same manner and by the same officers as they would have been if the erection of said new county had not taken effect.

Commissioners appointed § 3. Robert Simington and Daniel Searles of Jefferson county, William Craushear of Jackson county, Thomas Carr of Clark county, and Elijah Golay of Switzerland county, be, and they are hereby appointed Commissioners to designate the place for the permanent seat of justice of Jennings county, agreeable to an act entitled an act for fixing the seats of justice in all new counties hereafter to be laid off; the commissioners above named or others appointed by the proper court, shall convene at the house of John Vawter on the second Monday in February next, and then proceed to discharge the duties assigned them by law.

Where to meet.

Buildings to be erected. § 4. The board of commissioners of said new county, shall within twelve months after the permanent seat of justice be established, proceed to erect the necessary public buildings thereon.

Court where held. § 5. Until suitable accommodations can be had in the opinion of the circuit court at the seat of justice of said new county; all the courts of justice shall be holden at the house of John Vawter in said county; after which time the circuit court and all courts necessary to be held at the county seat, shall be adjourned to the same.

Attached to 3rd circuit. § 6. The said new county of Jennings be, and the same is hereby attached to, and shall form a part of the third circuit; and the circuit courts shall be holden in the said county of Jennings, three times in each and every year hereafter, and shall commence on the first Mondays of April, July and November, and shall sit six days at each term, unless the business shall be sooner dispatched.

Ten per cent allowed for library. § 7. Whenever the seat of justice within the county of Jennings shall have been established, the person or persons authorized to dispose of, and sell the lots at the seat of justice, shall reserve ten per centum on the net proceeds of the whole sale, for the use of a county library in said county,

which sum or sums of money shall be paid over to such person or persons as may be authorised to receive the same, in such manner and in such instalments as shall be authorised by law.

§ 8. All that part of the county of Jefferson, lying north of the line dividing townships five and six north, and east of the county hereby established; shall be attached to the county by this act formed, until the legislature think proper to erect said district into a separate county: *Provided always*, that the citizens thereof shall not be subject to any higher taxes for county purposes, than will defray the expences of said district with the necessary commission for collection. Part of Jefferson son attached.

§ 9. All that part of Jennings county which was formerly the counties of Jackson and Jefferson, shall continue to form a part of the respective counties of Jackson and Jefferson, for the purpose of electing senators and representatives, until otherwise authorised by law.

§ 10. All that part of the county of Jefferson that by this act is attached to the county of Jennings, also all that part of Dearborn county west of the old boundary line which was attached to the said county of Dearborn by an act of the territorial legislature approved September the seventh, one thousand eight hundred and fourteen, be, and the same is hereby erected into a separate county, to be designated and known by the name and style of the county of Ripley: *Provided however*, that each part of the county of Ripley shall remain a part of, and continue to be attached to the counties of Jennings and Dearborn respectively, until organized by a future act of the general assembly of this state. Ripley county boundaries of.

§ 11. All laws and parts of laws coming within the purview of this act, be, and the same is hereby repealed. Repeal.

ISAAC BLACKFORD,

Speaker of the House of Representatives,

CHRISTOPHER HARRISON,

President of the Senate.

DECEMBER 27, 1816, APPROVED,

JONATHAN JENNINGS.



## CHAP. XLVI.

*AN ACT to provide for the running the county line between the counties of Clark and Jefferson.*

Commissioners to meet when &c. § 1. *Be it enacted by the General Assembly of the state of Indiana, That James Beggs, be, and he is hereby appointed a commissioner, on the part of the county of Clark, and Samuel Alexander, be, and he is hereby appointed a commissioner on the part of the county of Jefferson; which commissioners aforesaid, are hereby directed to meet at some suitable place, on the first day of April next, or as soon thereafter as may be convenient, and proceed to run and make a line between the counties aforesaid, according to the provisions of an act, "entitled an act for the division of Dearborn and Clark counties, and for the formation of a new county out of the said two counties."*

Allowance to commissioners. § 2. *The board of county commissioners of the respective counties of Clark and Jefferson, are hereby authorised to allow the above named commissioners on the part of their respective counties, such compensation for their services performed under the provisions of this act, as may be deemed reasonable, to be paid out of the county treasury.*

*This act to take effect from and after the first day of March next.*

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 1, 1817—APPROVED,

JONATHAN JENNINGS.

## CHAP. XLVII.

*AN ACT incorporating the Walnut ridge library Company, in the county of Washington.*

Directors of walnut ridge library appointed and incorporated. § 1. *BE it enacted by the General Assembly of the state of Indiana, That Thomas Denny, Samuel Denny, Samuel Brown, Stephen Akers & George Hattabaugh, be and they are hereby appointed directors of the Walnut ridge library company; who shall hold their respective offices, until successors shall be appointed agreeably to the provisions contained in the second section of this act. They shall be a body corporate in deed, fact and name, by the name and style of the board of directors of the Walnut ridge library company, and by the same name shall have perpetual succession, they and their successors, at all times hereafter, by the name of the board of directors of the Walnut ridge library company, shall be persons able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of justice whatsoever, and to make and use one common seal, and the same to alter and change at pleasure.*

Their powers. § 2. *It shall be the duty of the shareholders in the Walnut ridge library company, to meet on the first Saturday of January, one thousand eight hundred and eighteen, and on the first Saturday of January annually thereafter, at the library office, and elect five directors for said company, who shall hold their respective offices for one year, and until successors are chosen.*

Meeting of the shareholders. Further powers of the directors. § 3. *The board of directors of the Walnut ridge library company, or a majority of them, shall have power to meet at such times and places as they may deem expedient, choose a president from among their own body, make such bye-laws, not repugnant to the laws of the United States or of this state, as may appear most conducive to the good government of the said institution; and may*



from time to time appoint a librarian, treasurer and collector, who shall discharge the duties of their respective offices, agreeably to the rules and ordinances that may be established by the board of directors aforesaid.

§ 4. The directors in the name and style aforesaid may recover, before any justice of the peace of the proper county, all such sums which shall have been or may hereafter be subscribed to the said institution; likewise all fines that may be necessarily assessed, by order of the board of directors aforesaid.

This act to take effect from and after its publication in print.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 24, 1816—APPROVED,

JONATHAN JENNINGS.

# CHAP. XLVIII.

*AN ACT to attach part of the county of Gibson to the county of Posey and for other purposes.*

When part thereof shall attach.  
Boundary.

§ 1. *Be it enacted by the General Assembly of the state of Indiana,* That from and after the first day of February next, all that part of the county of Gibson included within the following bounds be attached to and form a part of Posey county, to wit: beginning at the north east corner of Posey county, running thence north with the line dividing ranges ten and eleven, six miles to the line dividing townships, three and four south; thence west with said line dividing said townships to the Wabash river; thence down said river with the meanders thereof, to where the present line

of Posey county strikes said river. And that from and after the said first day of February next, the same shall be separated from the said county of Gibson, and attached to, and form a part of the said county of Posey, and that the part so taken from the said county of Gibson, and attached to the said county of Posey, shall at all times thereafter in law and in fact, be held, deemed and considered to all intents and purposes as part of said county of Posey: *Provided nevertheless,* that all suits, pleas, complaints, actions and proceedings, that shall before the said first day of February next have been commenced, instituted and pending within the county of Gibson, shall be prosecuted to final judgment and effect in the same manner as if this act had never passed: *Provided* that the territorial and county levies or taxes which are now due or have been assessed within the bounds of that part so taken from the said county of Gibson, and attached to the said county of Posey, shall be collected and paid in the same manner, and by the same officers as they would have been if this act had never passed.

§ 2. Walter Wilson of Knox county, John Braselton and Isaac Montgomery of Gibson county, Huger M'Gary of Warrick county, and Adam Hope of Pike county, be and they are hereby appointed commissioners whose duty it shall be to repair to the house of Elias Allister in said county of Posey on the third Monday of February next, and proceed to designate the place for the permanent seat of justice of Posey county agreeably to an act entitled an act for fixing the seats of justice in all new counties hereafter to be laid off, and until suitable public buildings can be erected by the county commissioners in the county of Posey; the circuit courts and county commissioners shall meet and transact all business at the town of Blackford, and after the seat of justice shall have been established as prescribed in this act and suitable public buildings are erected in the opinion of the circuit court, the said circuit court shall adjourn to the court house erected at the

Made part of Posey.

Proviso.

Proviso.

Levies due paid as heretofore.

Names of the commissioners.

Their duty

Circuit courts and county commissioners to transact business until suitable



buildings had seat of justice so as aforesaid established, after which  
where to time all courts and meetings of the county com-  
meet. missioners shall be held and transacted at the  
county seat.

Town of § 3. The town of Blackford, be and it is  
Blackford va- hereby vacated, and it shall be lawful for the cir-  
cated. cuit court to receive conveyances for the use of  
Circuit court the county of all lots which may have been sold in  
to receive the said town of Blackford, and to pay to such  
conveyances person or persons thus conveying any lot or lots  
&c. the original purchase money with interest, out of  
And pay cer- any money in the county treasury not otherwise  
tain debts. appropriated.

Duty of the § 4. The agent heretofore appointed for the  
agent of Po- county of Posey is hereby authorised and re-  
sey county. quired to deliver to the said circuit court all  
notes and other obligations on individuals for the  
purchase of lots in said town of Blackford, and  
the court is hereby authorised to cancel all and  
every contract so as aforesaid made according to  
the true intent and meaning of this act. And  
the circuit court is hereby authorised to adver-  
tise and sell the land belonging to the county up-  
on which the town of Blackford is situated for  
the best price that can be had either for ready  
money or upon such credit as the circuit court  
may order, and direct the sale to be conducted  
by the sheriff of the county and the money arising  
therefrom to be paid into the county treasury for  
the use of the county.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 1, 1817, APPROVED,

JONATHAN JENNINGS.

# CHAP. XLIX.

*AN ACT for the formation of a new county out  
of the county of Knox.*

§ 1. *Be it enacted by the General Assembly of  
the state of Indiana, That from and after the fif-  
teenth day of January next, all that part of the  
county of Knox, contained within the following  
boundary, shall constitute, and form, a separate  
county, viz: beginning on the Wabash river,  
where the line dividing township five, and six,  
crosses the same; running thence east, with said  
line, until it strikes the west fork of White river;  
thence up the said west fork of said river, to the  
Orange county line; thence with said line, to the  
Indian boundary line; thence with said boundary  
line, crossing the Wabash river, to the line divid-  
ing the state of Indiana, and the Illinois territory;  
thence with said line south, to the Wabash river;  
thence down the said river, with the meanders  
thereof to the place of beginning.* Boundaries.

§ 2. The said new county shall be known, and  
designated, by the name, and style, of the county Name.  
of Sullivan; and shall enjoy all the rights, privi-  
leges, and jurisdictions, which to separate counties  
do, or may properly belong, and appertain: *Pro-  
vided always, That all suits, pleas, complaints, actions,  
and proceedings, in law, or equity, which may  
have been commenced, or instituted, before the  
said fifteenth day of January next, and shall be  
pending, in the county of Knox, shall be prosecut-  
ed, and determined, in the same manner as if  
this act had never passed: Provided also, That all  
taxes, which may on the said fifteenth day of Jan-  
uary remain due, and unpaid, within the bounds  
of the said new county of Sullivan, shall be collec-  
ted, and paid, in the same manner, and by the  
same officers, as if the said new county had not  
been erected.* Suits prose-  
cuted, levies  
and taxes col-  
lected as here-  
tofore.

§ 3. Isaac Montgomery, and William Harrington, Proviso.  
from Gibson county, John B. Drennon and Commission-  
ers appointed



Andrew Purcell, from Knox county, and James G. Reed, of the county of Davies, be, and they are hereby appointed commissioners, agreeably to an act, entitled an act, for fixing the seats of justice, in all new counties hereafter laid off; whose duty it shall be, on receiving notice of their appointment, as hereinafter provided; to repair to the house of James Sproule, in the said new county of Sullivan, on the twentieth day of February next, and proceed to fix the seat of justice, for the said county of Sullivan, agreeably to the true intent, and meaning of the above recited act; and it shall be the duty of the sheriff of the county of Knox, to notify the said commissioners, either in person, or by written notification, of their said appointments at least five days previous to the time appointed for the meeting of said commissioners; and the said sheriff, shall be allowed a reasonable compensation for his services, out of the first moneys in the treasury of said county of Sullivan, to be allowed, and paid, as other county claims usually are.

When and where to meet.

Court where held.

Attached to the 1st. circuit.

Ten per cent allowed for library.

§ 4. The circuit, and other courts, of the said county of Sullivan, shall be holden, at the house of James Sproule; until the public buildings are in such state of forwardness, that the circuit court of said county, shall deem it expedient to adjourn said court, to the place established for the seat of justice, of said county; after which time, the said courts, shall be holden at the seat of justice established as aforesaid.

§ 5. The said county of Sullivan shall be attached to, and form a part of the first circuit; and the circuit courts, for said county of Sullivan, shall commence, and be held, at the place aforesaid, for holding said courts, on the Mondays next succeeding the week, in which the circuit courts, are directed by law to be held, in the county of Davies: *Provided*, That the agent to be appointed for said county of Sullivan, shall reserve in his hands, ten per centum, out of the proceeds of the sale of the town lots, at the seat of justice, for said county; and shall pay the same over to

such person as may hereafter be appointed by law to receive the same, for the use of a library for said county: *And provided also*, That the said county of Sullivan shall form a part of the representative, and senatorial district, for the county of Knox, until altered by law.

This act shall be in force from and after the fifteenth day of January next.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 30, 1816, APPROVED,

JONATHAN JENNINGS.

## CHAP. L.

*AN ACT to amend the act entitled an act for the regulation of the town of Vevay.*

§ 1. *BE it enacted by the General Assembly of the state of Indiana*, That so much of the act to which this is an amendment as makes it necessary that a person shall possess five hundred dollars worth of taxable property in the town of Vevay, to be eligible to the office of a trustee of said town be and the same is hereby repealed; and that, hereafter, any person possessing the other qualifications required by said act who may be a freeholder in said town shall be eligible to the office of a trustee of said town; the trustees of said town shall not be bound to hold stated meetings, but may meet at any time, either by adjournment or otherwise, at any suitable place within the bounds of said town to transact the business of the corporation thereof; the trustees of said town shall not hereafter have power to levy any tax of a greater

Repeal.

Qualification.

Power of trustees.



amount in any one year on any house and lot within said town than fifty cents on the value of each hundred dollars agreeably to the valuation thereof any thing contained in the act to which this is an amendment to the contrary notwithstanding.

This act to be in force from and after its passage.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate*

DECEMBER 24, 1816, APPROVED,

JONATHAN JENNINGS.

# CHAP. LI.

*AN ACT for the formation of a new county out of the counties of Knox, Perry and Gibson.*

Boundary.

§ 1. *Be it enacted by the General Assembly of the State of Indiana,* That from and after the first day of February next all that part of the counties of Knox, Gibson and Perry, included in the following bounds shall form and constitute a new county, that is to say, beginning at a point on White river where the line dividing sections nine and ten in range nine, town one north of Buckingham's base line strikes the same, thence south with said line to the township line dividing townships three and four south, thence east with said township line until it strikes the range line dividing ranges two and three west, thence north with said range line until it strikes the line dividing the counties of Orange and Gibson, thence with said line until it strikes Lick creek, thence down said creek to White river, thence down said river with the meanders thereof to the place of beginning.

§ 2. The said county shall from and after the first day of February next be known and designated by the name of the county of Pike, and it shall enjoy all the rights, privileges and jurisdictions which to a separate county do or may properly appertain and belong: *Provided always,* That all suits, pleas, complaints, actions and proceedings which may before the said first day of March next have been commenced, instituted and pending within the counties of Gibson, Perry and Knox, shall be prosecuted to final judgment and effect in the same manner as if this act had not been passed: *Provided also,* That the territorial and county taxes which are now due within the bounds of said new county shall be collected and paid in the same manner and by the same officers as they would have been if the erection of said new county had not taken place.

Suits prosecuted & taxes collected, as if this act had not been passed.

§ 3. That G. R. C. Sullivan, Benjamin V. Beckes and Ephraim Jordan of Knox county, William Hargrove of Gibson county, and George Boone of Harrison county, be, and they are hereby appointed commissioners to designate the place for the seat of justice of Pike county agreeably to an act entitled an act for fixing the seat of justice of all new counties hereafter to be laid off. The commissioners above named, or others appointed by the proper court, shall convene at the house of Hosea Smith in the town of Alexandria on the second Monday in February next, and then and there proceed to discharge the duties assigned them by law.

When and where to meet.

§ 4. That the board of commissioners of said new county shall within twelve months after the permanent seat of justice shall be established proceed to erect the necessary public buildings thereon.

5. That until suitable accommodations can be had in the opinion of the circuit court at the seat of justice of said new county, all the courts of justice of the same, shall be holden at the house of said Hosea Smith in the town of Alexandria.

Court to adjourn to the seat of justice when public buildings are completed.



And so soon as the circuit court shall be informed that the public buildings are in such a state of forwardness as to accommodate the court, the said court shall adjourn to the county seat, and after that time the circuit court, and all other courts necessary to be held at the county seat of the county aforesaid shall be held at the county seat established for said county.

Ten per cent  
allowed for  
public libra-  
ries.

§ 6. Whenever the seat of justice in the said county shall have been established, the person or persons authorised by law to lay off the lots and sell the same shall reserve ten per centum on the net proceeds of the whole sales for the use of a county library in said county, which sum or sums of money shall be paid over to such person or persons as may be authorised to receive it, in such manner and in such instalments as shall be authorised by law.

Part of the  
County of Gib-  
son attached  
to the county  
of Warrick.

§ 7. *Be it further enacted*, That all that part of the said county of Pike, which was formerly part of the counties of Knox, Gibson and Perry, shall form a part of the respective counties of Knox, Gibson and Perry, for the purpose of electing senators and representatives to the general assembly until otherwise directed by law.

§ 8. That all that part of the county of Gibson contained within the following boundaries, that is to say, beginning on township line dividing townships three and four south of Buckingham's base line where the line dividing the counties of Gibson and Pike strikes the same, thence south until it strikes the Warrick county line, thence east with Warrick county line until it strikes the line dividing the counties of Warrick and Perry, thence north with said line until it strikes township line dividing townships three and four south of Buckingham's base line, thence west with said township line to the place of beginning, shall be attached to, and form a part of the said county of Warrick: *Provided always*, That all suits, pleas, complaints, actions and proceedings which may before the said first day of March next have been commenced, instituted & pending within the

Proviso.

said boundary, shall be prosecuted to final judgment and effect, in the same manner as if the same had not been attached to the said county of Warrick: *Provided also*, That the territorial and county taxes which are now due within said boundary shall be collected and paid in the same manner and by the same officers as they would have been if the same had not been attached to the county of Warrick.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 21, 1816, APPROVED,

JONATHAN JENNINGS.

## CHAP. LII.

*AN ACT legalising the proceedings of the circuit court of Gibson, at their term of October last.*

WHEREAS doubts are entertained of the legality of the proceedings of the said court at the term aforesaid, and whereas much inconvenience may accrue to suitors and others having business in said court in consequence thereof, therefore

Preamble.

*BE it enacted by the General Assembly of the State of Indiana*, That all causes whether of a civil or criminal nature pending in said court, and all writs and recognizances returnable to the said October term of said court, as well as all proceedings had at said court shall stand, and be as available in law, as if the said sheriff of said county had not resigned, and as if the said court



had opened and had proceeded to business in the regular course of law; any law or usage to the contrary notwithstanding.

ISAAC BLACKFORD,  
*Speaker of the House of Representatives*

CHRISTOPHER HARRISON,  
*President of the Senate.*

DECEMBER 24, 1816—APPROVED,  
JONATHAN JENNINGS.

### CHAP. LIII.

*AN ACT to authorise a loan for the benefit of the State.*

§ 1. *BE it enacted by the General Assembly of the state of Indiana, That the Governor be, and he is hereby authorised to obtain by loan, either of banks or individuals, any sum either in specie or in current notes on incorporated banks not exceeding twenty thousand dollars, in such amounts and at such times as he may deem expedient, at an interest of not more than six per centum per annum giving for the money so loaned an obligation on behalf of the state, expressing on the face thereof, at what time and in what manner the principal and interest shall be paid; one copy of which obligation shall be lodged by the Governor with the auditor of public accounts, and one with the state treasurer.*

§ 2. *Be it further enacted, That the said money shall be loaned upon the following conditions, to wit: the principal shall be paid at the expiration of five years from the date of the obligation, or at any other time within that period, as the general assembly may direct, and the interest of the said money shall be paid annually by the treasurer of the state.*

§ 3. *Be it further enacted, That if the said loan shall be obtained from any individual, the Gov-*

Governor to procure a loan.

Conditions of payment.

What vouch-

ernor shall receive the same on the execution of the said bond, and pay it to the treasurer, taking duplicate receipts therefor, one of which shall be lodged with the auditor, and entered by him on his books, the other to be delivered to the house of representatives at the next session of the general assembly.

§ 4. *Be it further enacted, That if the said loan should be obtained from any bank or banks, the Governor may receive the amount and pay it over to the treasurer as aforesaid, or he may have the amount placed in such bank or banks to the credit of the state, subject to the order of the treasurer, taking from the cashier of such bank or banks a certificate of the deposit, the original of which to be lodged with the treasurer, one copy given to the auditor, one copy kept by the Governor, and one copy to be given by him to the house of representatives at their next session.*

What vouchers &c. if the loan is obtained from a bank.

ISAAC BLACKFORD,  
*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,  
*President of the Senate.*

DECEMBER 11, 1816—APPROVED,  
JONATHAN JENNINGS.

### CHAP. LIV.

*AN ACT to change the plan of the town of Jeffersonville.*

WHEREAS, it has been represented to this general assembly that great inconvenience arises from the manner in which that part of the town of Jeffersonville lying north of Market-street is laid out partly on account of there being no street in said section of said town, and partly because every other square thereof is left va-



cant; and whereas it is represented that the proprietors of lots in the said town of Jeffersonville are willing that this general assembly should make such law for removing said inconvenience as to them should seem just:

consolidation of lots, § 1. *Therefore, Be it enacted by the General Assembly of the State of Indiana,* That so soon as the consent of the corporation shall be legally made known in writing and signified to the trustees of said town and by them recorded as other public acts are; then, and thenceforward all that part of the said town which lies north of Market-street shall be deemed and taken to be consolidated and to all intents and purposes whatsoever in the same situation as if the same had never been laid off into town lots, subject nevertheless to be laid off in the manner hereinafter directed.

How lots to be laid off § 2. That so soon as may be, after consent obtained and recorded as before mentioned, the said trustees for the time being, or a majority of them, shall proceed to lay off the said piece of ground thus consolidated, into town lots, commencing at either end of said town and continuing the streets from the river to the north end of said town, taking care to make the lots thus laid off of the same size as near as may be in all respects as those south of said Market-street, & such other cross-streets or parallel streets with Market-street as may be necessary for the purposes aforesaid.

Apportionment of lots among original proprietors, how made. § 3. That so soon as the lots shall be laid off as aforesaid the trustees for the time being shall apportion to the original proprietors of the lots thus consolidated a lot or lots of equal value with the lot or lots by him her or them thrown into the general mass for the purposes aforesaid, and in case of disagreement between the trustees and the claimant or claimants the same shall be determined by persons mutually chosen between them whose decision shall be in writing and final between the parties, unless either party shall pray an appeal to the supreme court: in the event of a disagreement as aforesaid, should the claimant

or claimants fail to appoint on his part the trustees as aforesaid shall have full power to complete the appointment of persons to make the decision between them which decision shall have the same binding force as if mutually made: the apportionment having been made as aforesaid, the trustees for the time being, shall and they are hereby authorised to convey to the claimant or claimants by deed in fee simple the lots to them respectively allowed: *Provided always,* That in case a deficiency should arise in favor of the claimant in point of value between the lot or lots thus consolidated, and the lot or lots to be conveyed in the manner above mentioned such deficiency shall be made good out of the sale of the surplus lots hereafter directed to be sold; and so if the lot or lots to be conveyed as above mentioned should be of greater value than the lot or lots consolidated as aforesaid the person or persons receiving the conveyance shall make good the same in cash.

§ 4. All lots or parts of lots excepting the square used as a grave yard and the square on which the court-house stands remaining after satisfying the claims as aforesaid shall be sold at public sale on such terms and at such times as the trustees may appoint and direct, and the money arising therefrom be appropriated to the use of the said town, after satisfying the claims as aforesaid.

Title how made.

Residuum of lots to be sold

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 3, 1817, APPROVED,

JONATHAN JENNINGS,



## CHAP. LV.

*AN ACT to remove the seat of justice from the town of Salisbury in the county of Wayne, to the town of Centerville in said county.*

## Preamble.

WHEREAS it has been represented to the general assembly of the state of Indiana, by sundry affidavits and the petition of a very large majority of the citizens of the said county of Wayne, that great injustice has been done to the inhabitants of said county, by the seat of justice having been fixed at the town of Salisbury contrary to the wishes and interest thereof :

§ 1. *Therefore, be it enacted by the general assembly of the state of Indiana, That from and after the first day of August next, the seat of justice in and for the county of Wayne shall be, and the same is hereby removed to, and permanently fixed in the town of Centerville in said county — And that the trustees of the town of Centerville shall be, and are hereby authorized and required, to transfer by proper and lawful deeds of conveyance and assignment, all property, both real and personal, together with all bonds, notes, bills or receipts, for payment of any money, or other thing which may or shall be held by such trustees in trust for said town to such person or persons as shall be authorised by law to do and transact county business for the said county, and erect or cause to be erected public buildings, which property, money or other thing so transferred from such trustees to the authority aforesaid, shall be appropriated by the said authority to the sole purpose of erecting a court-house, jail and estray-pen, all of which shall be erected and completed as soon as the same can be performed with convenience; and that the trustees of the said town of Centerville, shall if required by the persons authorised to do county business, give bond and security in a penalty in the discretion of the said authority, payable to the said person or persons*

Seat of justice of the county of Wayne removed to Centerville. Powers and duty of the trustees of Centerville.

May be required to give bond.

so authorised to do and transact county business with a condition, that if the property real or personal so transferred by the trustees of said town of Centerville for the purposes aforesaid shall not be sufficient to defray the necessary expenses of erecting the said public buildings in the said town of Centerville, which shall be equal in point of convenience and value to those already erected and built in the town of Salisbury, that they will make up such deficiency, and that they will provide and furnish at their own expense a suitable and convenient house for the holding of courts and the doing of all public business necessary to have and be performed in and at the court house of said county, and also a suitable and secure jail and estray-pen for the use of said county until such public buildings shall be erected by the proper authority.

§ 2. *And be it further enacted, That all process, writs and other proceedings that now are or hereafter shall be depending in any court in the county of Wayne returnable at the court-house in the town of Salisbury at the time this law shall take effect and be in force, shall be and the same is hereby ordered to be returned to the court to be held at the court house in the said town of Centerville, and there tried in all respects as if the same had been made returnable to the said court in the first instance.*

§ 3. *That all officers whose duty it shall be to keep their said offices at the seat of justice in the said county of Wayne, shall be and are hereby required to remove to, or keep their said offices at the town of Centerville, within six months after this act shall take effect. That from and after the first day of August one thousand eight hundred and seventeen, all public business which shall be required by law to be transacted at the seat of justice in the said county of Wayne, shall be held, performed and transacted at the court-house or at the building assigned for that purpose in the town of Centerville.*

E x

Suits &c pending in the city of Wayne returnable to the court at Centerville.

Offices to be removed.



Public build-  
ings in Salis-  
bury to be dis-  
posed of.

Proviso.

§ 4. That all public buildings that now are or at the time this law shall be in force in the town of Salisbury, shall be disposed of in such manner as the person or persons who shall or may be authorised to do and transact county business shall deem most to the advantage of the said county of Wayne, and particularly to the interest of the said town of Salisbury: *Provided however,* That nothing in this act shall be so construed as to remove the seat of justice from the town of Salisbury to the town of Centerville in the said county of Wayne, at any time should the said trustees of the town of Centerville fail and refuse to comply with any of the provisions contained in the first section of this act on or before the first day of August one thousand eight hundred and seventeen.

This act shall be in force from and after the first day of June next.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 21, 1816, APPROVED,

JONATHAN JENNINGS.

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CHAP. LVI.

*AN ACT providing for a Public Seal and Press.*

*Be it enacted by the General Assembly of the State of Indiana,* That the Governor of this state be and he is hereby authorised to provide a seal and also a press for the said state; and that a sum not exceeding one hundred dollars be, and is

hereby appropriated for that purpose, to be paid out of any monies in the treasury not otherwise appropriated.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 13, 1816, APPROVED,

JONATHAN JENNINGS.

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CHAP. LVII.

*AN ACT incorporating the Ohio Canal Company.*

§ 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Bigelow, and his associates, their successors and assigns, be and they are hereby created a body corporate and politic by the name of the "President and Directors of the Ohio Canal Company," & are hereby ordained, constituted and declared to be forever hereafter a body politic subject to the regulations, limitations and restrictions hereinafter mentioned and directed; and corporate in fact, and in name, and by that name they and their successors, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal and make and alter the same at their pleasure; and also that their successors by the same name and style shall be in law capable of purchasing, holding and conveying any estate except in the nature of bank stock within this state real or personal, for the use of said corporation.

Canal compa-  
ny incorpora-  
ted.



Capital.

§ 2. The capital stock of said company shall consist of twenty thousand shares of fifty dollars each, and that subscriptions to the capital stock of said company may be received by such person or persons, and under such regulations as the directors for the time being or a majority of them shall prescribe and ordain not inconsistent with the constitution and laws of this state.

directors how elected.

§ 3. The stock property and concerns of the said company, shall until the first Monday of July next be conducted by seven directors hereafter named; and after that day the same shall be conducted and managed by seven directors being stockholders, who shall hold their offices for one year from the first Monday of July next; and the said directors shall be elected by ballot annually on the first Monday in July, at such hour of the day, and such place within this state as the president and directors for the time being shall appoint; and public notice shall be given by the said directors not less than thirty days previous to the time of holding said election by an advertisement to be inserted in some one or more newspaper printed in this state and in the state of Kentucky; and the said election shall be made by such of the stockholders as shall attend for that purpose or by proxy, each share having one vote for every share as far as ten shares, and one vote for every five shares above ten; and the directors so to be chosen shall at their first meeting in every year elect by ballot one of their members to be their president.

First directors, to elect a president, their powers.

§ 4. John Bigelow, James Lemon, Samuel Beach, Samuel Gwathmey, James Scott, Nathaniel Scribner and Nathan Cromwell shall be the first directors, and shall hold their offices until the first Monday of July, and at their first meeting they shall by ballot elect one of their members to be their president, and that the said president and directors, and the president and directors thereafter to be chosen, a majority of whom being assembled shall constitute a board, shall have power to appoint the time and place of all

meetings for the dispatch of business, to appoint such superintendants, engineers, clerks and other officers, agents and servants, and exact from them such security for the performance of the duties assigned them as they the said directors shall judge requisite and proper and necessary for carrying into effect the purposes of this act, and to agree for and settle their wages and all allowances, and to pass and sign their accounts, and also to make and establish rules of proceedings and to make such bye laws, rules and regulations not inconsistent with the constitution of the United States, nor the laws and constitution of this state as may be necessary for the ends proposed by this act.

§ 5. In case of the death, resignation or refusal to act of any director or directors chosen as aforesaid, it shall and may be lawful for the remaining directors upon public notice being given at least fifteen days for that purpose, to proceed to elect a director or directors to fill such vacancy or vacancies.

§ 6. In case of the death, resignation, or refusal to act of the president, it shall and may be lawful for said directors to choose a president pro tem. and for the meeting only for which he shall be chosen.

§ 7. It shall and may be lawful for the said company by its president and directors, or by any superintendant, agent or engineer appointed under the seal of the said company to enter into and upon, and to take possession of any land whether covered with water or not which shall or may be necessary for the prosecution of the works and improvements contemplated by this act, or whereon or whereby to construct any canal, lock, dyke, embankment, pond, dam or other work intended or permitted by this act, and that without the leave and permission of the owner or owners, proprietor or proprietors of such land first had and obtained, but the lands so to be taken and appropriated shall be valued and paid for in the manner hereinafter provided: *Provided always,*



That it is hereby fully understood that for the purposes aforesaid it shall not be lawful for the said company to condemn a greater quantity of land than one hundred acres.

May enter  
upon lands &  
take timber,  
&c.

§ 8. It shall be lawful for the said company hereby incorporated, and for all and every other person or persons employed by or under them for the purposes contemplated by this act from time to time to enter upon any lands contiguous or near to the intended canal or other works or the places which may be selected for or intended to be used or employed for the same with carts, waggons and other carriages and beasts of draught and burden, and all necessary tools and implements both for executing and making, and for altering and repairing the said works or any of them, and to take and carry away any timber, stone, clay, gravel, sand or earth from the same for the making, altering or repairing of the said works or any of them subject always to the making of compensation for all damages thereby occasioned either by agreement of parties or in the mode hereafter prescribed, provided the said company shall not take or carry away any timber, stone, clay, gravel, sand or earth after the said canal and other works hereby contemplated are completed until they shall pay the damages assessed as aforesaid.

How value of  
injury to be  
fixed in case  
of disagree-  
ment.

§ 9. The said president and directors for the time being may agree with the owners of any lands so taken or appropriated or injured as aforesaid for the purchase of said lands, or for compensation for the said injury and damages as the case may be. But in case of disagreement or in case the owner or owners of such land shall be *feme covert*, under age, non compos mentis, or out of the state, then it shall be lawful for the judges of the circuit court for the county and circuit in which the lands lie or any one of them not being interested in the said company, or in the said lands upon the application of either party, to nominate and appoint seven disinterested persons to view and survey the said lands and to estimate the injury sustained as aforesaid or value of the said

lands as the case may require and to report thereupon to the said court without delay, and upon the coming in of such report and the confirmation thereof by the said court, the said president directors and company shall pay to the said owners respectively the sum mentioned in such report in full compensation for the said lands or for the injury done as aforesaid as the case may be; and upon such payment the said president directors and company shall be and become seized in fee of all such lands, hereditaments and tenements as they shall have taken possession of, appropriated and paid for as aforesaid; and they and all those who have acted under them shall be acquitted and exonerated of and from all claim and demand on account of such injury or damage.

§ 10. Whenever the said canal shall cross any public or private laid out road or highway, or shall divide the grounds of any person into two parts so as to require a bridge to cross the same, the referees who shall enquire of the damages to be sustained in manner herein directed, shall find and ascertain whether a passage across the same shall be admitted and maintained by a bridge, and on such finding the said directors shall cause a bridge fit for the passage of carts and waggons to be built, and forever hereafter maintained and kept in repair at all and every the places so ascertained by the said referees at the cost and charges of the said company; but nothing herein contained shall prevent any person from erecting and keeping in repair any foot or other bridge across the said canal at his or her own expense when the same shall pass through his or her ground provided the same shall be of such height above the water as shall be usual in the bridges erected by the company: *And provided also*, That such foot or other bridges to be erected by the owner or owners of such land shall not interfere with any of the locks, buildings, passage of vessels, boats, rafts, or other works of the company.

May erect  
bridges, to  
keep the  
same in re-  
pair.

§ 11. The said president and directors and



Majority to their successors, a majority of them being assembled shall have full power and authority to agree with any person on behalf of the said company to cut such canal from such place above to such place below to the falls on the north west side of the river Ohio, and to erect such locks and to perform such other works, as they shall judge necessary for opening, improving and extending the navigation of said river and for the other purposes authorised by this law; and for repairing and keeping in order the said canals, locks, and other works.

To receive donations and subscriptions and to sue for amount subscribed.

§ 12. It shall be lawful for the said company to receive from the United States, or from any state, or from any body corporate or politic, donations of lands, money or other chattles for the use of said company, and to receive for the same use and purpose, voluntary subscriptions and donations from any individuals who may be disposed to encourage and promote the objects of this act; and it shall and may be lawful for the said company in case of refusal or neglect of payment in the name of the company aforesaid to sue for and recover of all such subscribers, their heirs, executors or administrators, the sums by them respectively subscribed by action of debt or upon the case, in any court of record having competent jurisdiction.

May increase their capital and to what amount.

§ 13. If at any time it shall in the opinion of the said company become necessary in order to effect the purposes authorised by this act to increase the said capital stock and number of shares it shall and may be lawful for the said company in their discretion, from time to time to increase the said capital by the addition of so many whole shares as shall be judged necessary by the said proprietors or a majority of them in interest, not to exceed twenty thousand shares in addition, and that subscriptions for the said shares, shall be received at such time and place and in such manner as the directors for the time being shall think proper to order and prescribe.

§ 14. It shall be lawful for the said directors

to call for and demand from the stock holders respectively all such sums of money by them subscribed or to be subscribed at such times and in such proportions as they shall see fit under pain of forfeiture of their shares and all previous payments thereon to the said president directors and company.

May demand money subscribed when they see fit.

§ 15. In consideration of the expenses the said proprietors shall be at in opening and completing the said canal and in keeping the works in repair, and in effecting the objects authorised by this act, the said works and canal and other property which the said company shall acquire with all profits and appurtenances shall be and the same are hereby vested in the said company and their successors forever subject to the restrictions and limitation in this act contained, and the canal and the water works thereon or adjoining thereto shall be exempt from the payment of any tax, imposition or assessment whatsoever until the works shall be in operation, and that the shares in the stock of the said company shall be deemed and are hereby declared to be personal and not real estate, and that the same may be transferred and assigned so as to convey the absolute property thereof in such manner and form as the said president and directors shall by bye laws to be made for that purpose, ordain and prescribe: *Provided however*, That the said corporation or any individual thereof in their behalf shall not in any wise be at liberty to issue bills of credit or bills payable to bearer or to order, or to carry on any bank or banking institution whatsoever.

The works & canal vested in the company, exempt from tax.

personal property & transferable.

§ 16. It shall and may be lawful for the said president and directors at all times forever subject to the limitations herein contained to demand and receive at such time and place or places on the said canal as they shall adjudge and determine to be most convenient for all boats, vessels and rafts conveyed through the said canal or any part thereof according to the following table:

Proviso not to issue bills of credit payable to bearer or order.

May demand and receive toll rate thereof.



For each boat not more than fourteen feet wide and thirty feet long, four dollars ; for each boat not more than fourteen feet wide and forty-five feet long, five dollars ; for each boat not more than fourteen feet wide and sixty feet long, six dollars ; and every foot over and above fourteen feet wide, and sixty feet long, twelve and one half cents ; for each keel boat, perogue or canoe, not more than thirty five feet long, two dollars ; for each keel boat, perogue or canoe, not more than forty-five feet long, three dollars ; for each keel boat, perogue or canoe, not more than sixty feet long, four dollars ; and every foot over and above sixty feet long, twelve and one half cents ; and for all rafts or lumber not laden, on board a boat or vessel such sum as shall be agreed by and between the owners or supercargo and the said company or their agents.

Collectormay  
detain boats  
in case of re-  
fusal to pay  
toll.

§ 17. The collector of the toll-duty appointed and authorised by the president and directors of the said corporation may stop and detain boats and vessels using the canal until the owner or commander or supercargo of the same shall pay the toll so as aforesaid fixed, or may distrain part of the cargo therein contained sufficient, by the appraisal of two disinterested persons to satisfy the same, which distress shall be kept by the collector of tolls, taking the same for the space of eight days and afterwards be sold by public vendue in any public place in the neighborhood to the highest bidder in the same manner and form as goods distrained for rent are by law sold, rendering the surplus on demand if any there be after the payment of the said toll and costs of distress and sale to the owner or owners thereof.

May vest  
their capital  
in any way  
not prohibi-  
ed.

§ 18. The said company may vest any part of their capital or the profits thereof as the directors for the time being shall deem expedient in the public debt of the United States, or of any particular state, or in the stock of any incorporated monied institution subject to the limitations and restrictions in this act prescribed, or may employ the same in commercial operations, or in any

other monied transactions not inconsistent with the constitution and laws of the United States or of this state, and for the sole benefit of the said company.

§ 19. The books of the said company shall always be open for the inspection of the legislature of this state, or any person or persons to be appointed by them for that purpose.

§ 20. In case the said company shall not begin the said canal within twelve months from the passage of this act, and give to the next general assembly satisfactory evidence of their intention and ability to prosecute and complete the same, or shall not on or before the first day of December, which will be in the year eighteen hundred & twenty two, so far complete the said canal as to admit of the passage of boats drawing not more than three feet water, then and in either of those cases or on such default being ascertained all the preferences, privileges and powers given and granted by this act shall thenceforth cease, determine, and be absolutely void.

§ 21. The corporation by this act created, and the powers and privileges given to the same shall cease and be at an end, on the first day of January one thousand eight hundred & fifty-eight, except so far as may be necessary for the closing and settling the concerns of the corporation: *Provided*, That the said canal and the buildings and works erected thereon, or on the waters taken there from shall remain to the said corporation, their heirs and successors, unless at the period above fixed for the expiration of the charter aforesaid the state will purchase of the said proprietors the said canal and locks, and pay to them for the same the monies expended by them in the erection thereof, which price shall be determined by the judges of the supreme court of the state, who shall take into consideration the profits received as well as the original cost ; and should the stock not have yielded ten per centum per annum on the original cost, they shall pay a rate of interest on the original cost not exceeding four per cen-

Their books  
subject to the  
inspection of  
the legisla-  
ture.

When to  
commence &  
have the can-  
al in a situa-  
tion for the  
passage of  
certain boats.

Limitation of  
the charter.

Proviso.  
Water works  
reserved to  
company.



tum per annum for the whole amount of the prime cost, reserving however to the said corporation the water works and other buildings by them erected with the right of a sufficiency of water to carry on the same.

Compensation to first directors.

State reserve one fourth of the shares, no forfeiture for failure.

Entitled to directors.

How long & where book to be kept for subscription.

§ 22. That the directors herein appointed to act as such until the first day of July next shall be entitled to have and receive three dollars per day for every day they shall attend or expend from their several places of abode in and about the execution of the trust hereby reposed in them, which shall be paid to such director or directors from the funds of the company: The state hereby reserve for themselves one fourth of the shares in the capital stock of the said corporation to be subscribed for at such times and in such manner as the general assembly may direct, and no forfeiture shall accrue to the state for any failure in the payments to the same; and the state shall be entitled to dividends of the profits in proportion to the money they may pay, and shall be entitled to two directors to be appointed by joint ballot of both houses of the general assembly whenever they think proper, and be entitled in addition, hereafter to such proportion of the directors as their stock in the corporation will justify.

§ 23. It shall be incumbent on the said president and directors to keep open their books of subscription for the space of four months from the passage hereof at the town of Jeffersonville in the state of Indiana.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 3, 1817, APPROVED,

JONATHAN JENNINGS.

# CHAP. LVIII.

*AN ACT to provide for the appointment of a Collector of territorial and county taxes for the county of Perry.*

WHEREAS from the change of government in this state from a territorial to a state government, the county of Perry is left without a collector of county and territorial taxes for the present year. And whereas great inconvenience will result, not only to the said county of Perry, but to this state, if the county and territorial taxes for said year are not collected; for remedy whereof:

Preamble.

*Be it enacted by the General Assembly of the state of Indiana.* That Uriah Lamar, be and he is hereby appointed collector of the county and territorial taxes for the said county of Perry; and that the associate judges of said county, take from Uriah Lamar so authorised to collect said taxes, a bond and security, in the sum, and in the manner prescribed by the now existing laws required to be given by collectors of county and territorial taxes; and Uriah Lamar shall have full power and authority to collect all county and territorial taxes which may be due and in arrear from said county of Perry, as if the same had been collected by the sheriff, and shall account in the same manner for all taxes either county or territorial as the sheriffs of the different counties are required by law to account; any law, usage or custom, to the contrary notwithstanding: *Provided however,* If Uriah Lamar, appointed by this act, should refuse or neglect to perform the duties of collector, as soon as may be after receiving notice of his appointment, then the associate judges of said county may, and it is hereby made their duty to proceed to appoint a collector for said county of Perry; who is to proceed, and be governed in all respects by the laws of this state, defining the du-

Collector.

To give bond

His duty.

Power and duty of associate judges.



ties of sheriffs, so far as it respects the collection of county and territorial or state taxes.

This law to take effect from and after its passage.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 24, 1816—APPROVED,

JONATHAN JENNINGS.

CHAP. LIX.

*AN ACT for the relief of James Vawter, late Sheriff of Jefferson County.*

ON the petition of James Vawter, late sheriff of Jefferson county, setting forth that he was collector of territorial taxes for the year 1815, and that it was made his duty by law to expose to public sale a number of tracts of land, which land would not sell for the tax nor any part thereof; and that he the said collector did pay the expenses of advertising the same, and also paid the judge for his attendance agreeably to an act entitled an act for laying and collecting a tax on land, and for other purposes, and there being no provision in the said act for remunerating the collector in such cases :

§ 1. *Therefore be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the auditor of public accounts to settle with the said collector for all costs by him necessarily paid out in pursuance of the aforesaid*

recited act, and such accounts so settled and audited, shall be paid out of any monies in the treasury.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 1, 1817—APPROVED,

JONATHAN JENNINGS.

CHAP. LX.

*AN ACT to vacate the town of Edenburgh.*

§ 1. *Be it enacted by the General Assembly of the State of Indiana, That the proprietors of the town of Edenburgh, in the county of Dearborn, be and they are hereby authorised to cause the plot of said town to be annexed to (and recorded as a part of) the town of Lawrenceburgh; and as soon as the plot of the town of Edenburgh aforesaid is so recorded, said town shall be considered as vacated, and the lots heretofore laid out therein, shall be a part of the town of Edenburgh, to all intents and purposes.*

Edenburgh  
attached to  
Laurence-  
burgh.

§ 2. All claims of any person or persons to any property in the town of Edenburgh, shall remain the same, as if no change in said town had taken place.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 24, 1816, APPROVED,

JONATHAN JENNINGS.



CHAP. LXI.

*AN ACT to add the lots lately laid out by General William Henry Harrison to the borough of Vincennes.*

§ 1. *Be it enacted by the General Assembly of the State of Indiana, That from and after the passage of this act, all the lots laid out by General William Henry Harrison, adjoining the borough of Vincennes, to wit, bounded on the south west by the said borough of Vincennes, on the north west by the Wabash river, on the north east by lands of Lunnion, and on the south west by lands belonging to the said William Henry Harrison, and lying on Hickman, Trotter and Hart streets, shall be added to, incorporated in and constituted a part of the borough of Vincennes; and the trustees of the borough of Vincennes, shall at all times hereafter have and enjoy all the rights, privileges and immunities, which they now enjoy in and over the borough aforesaid; and the citizens now resident within the boundary hereby added to the borough of Vincennes, and all such which may hereafter settle therein shall have and enjoy the same rights and privileges which the citizens now resident within the said borough of Vincennes are or may be entitled to have and enjoy.*

Lands added to and making of a part of the borough of Vincennes.

Rights and privileges of trustees over such lands.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 3, 1817, APPROVED,  
JONATHAN JENNINGS.

CHAP. LXII.

*AN ACT authorising Rebecca Heth and Fielding M Bradford, administrators of Hervey Heth deceased, to sell and convey certain lots, &c.*

WHEREAS is has been represented to this general assembly by the petition of Rebecca Heth, administratrix, and Fielding M. Bradford, administrator of the estate of Hervey Heth, deceased; that the said decedent in his lifetime did sell sundry lots in the towns of Morven and Corydon, without making deeds for the same, or giving his bonds for the conveyances, and that it would be greatly to the advantage of said estate to sell and convey the balance of said lots, as also sundry other lots in the town of Clarksville:

Preamble.

§ 1. *Be it therefore enacted by the General Assembly of the State of Indiana, That the said Rebecca Heth, administratrix, and Fielding M. Bradford, administrator of the estate of the said Hervey Heth deceased, be and they are hereby authorised to sell and convey all or any part of the lots in the town of Morven, and also to sell and convey such parts of the lots in the towns of Corydon and Clarksville, as they shall from time to time think most conducive to the interest of the heirs of said decedent; and the sale and conveyances made by the said administrators, so as aforesaid, shall be as good and available against the said heirs as if the said decedent had made the same in his life time, any law, usage, or custom, to the contrary notwithstanding.*

Admrs. may sell and convey lots.

§ 2. *The said Rebecca Heth, administratrix, and Fielding M. Bradford, administrator, as aforesaid, shall have power, and they are hereby authorised to convey to all and every person who may have purchased any land or lot of land of the said Hervey Heth, without taking said Heth's bond or bonds for the titles: Provided, They*

Further powers to admrs.



shall be satisfied that it was the intention of the said decedent to convey the same, and provided they shall have satisfactory proof that the purchase money has been paid in the whole or in part, or upon their receiving the whole or balance themselves for the benefit of the estate.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 30, 1816, APPROVED,

JONATHAN JENNINGS.

CHAP. LXIII.

*AN ACT to dissolve the marriage contract entered into between Daniel Woodfell and Anna Woodfell.*

*Be it enacted by the General Assembly of the State of Indiana, That the bands of matrimony heretofore solemnized between Daniel Woodfell and Anna Woodfell, be, and the same are hereby dissolved.*

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 3, 1817, APPROVED,

JONATHAN JENNINGS.

CHAP. LXIV.

*AN ACT dissolving the marriage of Mary Catt with her husband John Catt.*

*Preamble.*

WHEREAS sufficient evidence has been produced to this general assembly, that John Catt, late of Knox, has abandoned his wife Mary Catt, late Mary Cooke, and has two children by the said Mary, to penury and want, and that there is no hope of his providing for them, as a husband ought to provide for his wife and family; for remedy whereof:

§ 1. *Be it enacted by the General Assembly of the State of Indiana, That the bands of matrimony, heretofore contracted between the said John Catt, and Mary Catt his wife, formerly Mary Cooke, be, and the same are hereby dissolved, from and after the passage of this act; and that the said Mary Catt, formerly Mary Cooke, be, and is hereby as completely freed from the bands of Matrimony contracted with the said John Catt, as if the said marriage had never been contracted or solemnized.*

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 24, 1816, APPROVED,

JONATHAN JENNINGS.

CHAP. LXV.

*AN ACT to dissolve the marriage contract entered into between Maria H. Wardell and Thomas Wardell.*

§ 1. *Be it enacted by the General assembly of the state of Indiana, That the bands of matrimony heretofore solemnized between Maria H.*



Wardell, and Thomas Wardell, be, and the same are hereby dissolved: And the said Maria H. Wardell, late Maria H. Pike, be, and she is hereby free from any obligation in consequence of the aforesaid marriage contract in all respects as if the same had never been entered into.

§ 2. *Be it further enacted*, That until the circuit court in Dearborn county, or the proper authority having the disposition of minors in said county shall otherwise direct, the aforesaid Maria H. Wardell shall be considered the lawful guardian of the children of the aforesaid Thomas Wardell and Maria H. Wardell; any law to the contrary notwithstanding.

This act shall be in force from and after its passage.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 1, 1817—APPROVED,

JONATHAN JENNINGS.

#### CHAP. LXVI.

*An act to authorise Richard M. Heth, and Jonathan Wright, guardians of the infant heirs of Richard M'Mahan, deceased, to lay out certain monies belonging to said heirs in the purchase of Lands.*

§ 1. *Be it enacted by the General Assembly of the State of Indiana*, That Richard M. Heth, and Jonathan Wright, guardians of Maria, Rosanna and Nancy M'Mahan, infant heirs of Richard M'Mahan, deceased; be, and they are hereby authorised to lay out any money which they may have belonging to the heirs aforesaid, in one or

more tracts of land, for the benefit and advantage of the aforesaid heirs, and to take the deed or patents for the same in the name of the heirs aforesaid; and the said guardians shall upon a settlement with the said minor heirs, have a credit for all sums of money by them laid out pursuant to the true intent of this act, any law, usage, or custom, to the contrary notwithstanding.

This act to take effect from and after its publication.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 24, 1816, APPROVED,

JONATHAN JENNINGS.

#### CHAP. LXVII.

*AN ACT for the relief of Adam Conrad, administrator of George Conrad, deceased.*

WHEREAS it has been represented to this general assembly, by the petition of Adam Conrad, administrator of George Conrad deceased that the said Conrad, in his life time entered a quarter section of land in Harrison county; that the estate of said decedent is insufficient to pay the instalments still due to the United States for said quarter section, and that the same will revert in a short time, and that he could if permitted by law, sell the certificate for a considerable sum of money to the advantage of the wife and family of said decedent:

§ 1. *Be it enacted by the General Assembly of the State of Indiana* That the said Adam Conrad, administrator as aforesaid, be and he is hereby authorised to sell the said quarter section to



the highest bidder, giving at least twenty days notice of the same, and that he be authorised to transfer the certificate for the same to the purchaser or purchasers, which sale and transfer made as aforesaid, shall be as good and valid in law as if the said decedent had made the same in his life time ; *Provided*, That the said administrator shall apply the money arising from the sale of the land aforesaid in the same manner as is pointed out by law for the distribution of personal property.

Power and  
duty of guar-  
dians.

This act to take effect from and after its passage.

ISAAC BLACKFORD,

*Speaker of the House of Representatives*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 27, 1816—APPROVED,

JONATHAN JENNINGS.

#### CHAP. LXVIII.

*AN ACT authorising William Hurst, Guardian of the minor heirs of John Morgan, deceased, to purchase land for said minors.*

WHEREAS it has been represented to this general assembly by the petition of William Hurst, guardian of Andrew Morgan, Benjamin Morgan, James Morgan, Charles Morgan, John Josephus Morgan, and Evan Newton Morgan, minor heirs of John Morgan, deceased, that the said guardian has in his hands a considerable sum of money belonging to the aforesaid heirs, and that if laid out in the purchase of lands, would be more beneficial to said heirs than put to interest ; therefore :

*Be it enacted by the General Assembly of the State of Indiana, That the said William Hurst, guardian of the said minor heirs of the said John*

Morgan deceased, be and he is hereby authorised to lay out the money of the said minor heirs of John Morgan, deceased, in the purchase of land from the United States, in such tracts or parcels as may be most beneficial to said heirs not exceeding in the whole four hundred dollars, and that the title therefor be taken in the name of the said Andrew Cotrel Morgan, Benjamin Morgan, James Morgan, Charles Morgan, John Josephus Morgan and Evan Newton Morgan. That the said William Hurst, after he shall have made the purchase or purchases agreeably to the provisions of this act shall lay a statement thereof before the court of the proper county, who may have the settlement of intestate estates, and the said William Hurst, shall have credit for the amount of monies so laid out by him for the benefit of said minor heirs.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 2, 1817—APPROVED,

JONATHAN JENNINGS.

#### CHAP. LXIX.

*AN ACT making certain specific appropriations.*

§ 1. *Be it enacted by the General Assembly of the State of Indiana, That Mann Butler, be, and he is hereby allowed the sum of two hundred dollars for printing and stitching the constitution and journals of the late convention.* Appropriations.

§ 2. That messrs. Thom and Posey be allowed the sum of forty one dollars and fifty cents for books, stationary, &c. furnished the late convention.



§ 3. That George Jones be allowed the sum of twenty-seven dollars and fifty cents for tables, benches, &c. made for the use of the late convention.

§ 4. That messrs. Thom and Posey be allowed the sum of sixty five dollars and fifty cents for stationary, &c. furnished the present general assembly.

§ 5. That Joshua Wilson be allowed the sum of twenty-one dollars and fifty cents for stationary and a stove-pipe furnished the present general assembly.

§ 6. That Abraham Rice be allowed the sum of fourteen dollars for benches and tables furnished the present general assembly.

§ 7. That messrs. Cox and Nelson be allowed the sum of eighty two dollars and ninety-seven and a half cents for printing certain bills, &c. for the present general assembly.

§ 8. That Isaac Blackford be allowed the sum of sixty-seven dollars, and eighty-two and a half cents for a fractional part of a quarter's salary as circuit judge of the late Indiana territory.

§ 9. That Davis Floyd be allowed the sum of one hundred dollars and sixty cents for a fractional half year's salary as treasurer of the late Indiana territory, as also for printing certain blanks and postage for the treasury department.

§ 10. That Davis Floyd be also allowed the sum of forty dollars for a stove furnished for the use of the state.

§ 11. That John Tipton be allowed the sum of twenty five dollars and sixty-two and a half cents for fire wood furnished the present General Assembly.

§ 12. That A. Baker be allowed the sum of four dollars for the smith-work done for setting up the stove for the general assembly.

§ 13. That messrs. M'Mahan and Beeman be allowed the sum of three dollars and eighty-seven and a half cents for stationary for the use of the present general assembly.

§ 14. That the sum of three hundred dollars

be appropriated as a contingent fund to be exclusively left at the disposal of the governor, to meet contingent expences, who is hereby authorised to draw for the same on the treasurer, and make report thereof to the next general assembly.

§ 15. That Harbin H. Moore, be allowed the sum of thirty two dollars for his services as assistant secretary of the senate at the present session of the general assembly.

§ 16. That James Lemon and Robert A. New be allowed the sum of forty dollars for their attention to printing, stitching, and distributing the constitution and journals of the late convention.

§ 17. That messrs. Brandon and Lodge be allowed the sum of thirteen dollars and thirty-seven and a half cents for printing the rules of the present session of the general assembly.

§ 18. That Richard M. Heth be allowed three dollars for candles.

§ 19. That the Governor, be, and he is hereby authorised to draw on the contingent fund for all monies which may necessarily be expended by either the secretary of state, auditor of public accounts or treasurer of state, for the purchase of books, stationary, &c. together with all monies which may be necessary in the executive department of government which are not particularly provided for by law.

§ 20. That the auditor of public accounts be and he is hereby authorised and requested to draw on the treasurer of state in behalf of Jesse L. Holman and David Raymond, presidents of the circuit courts, for the sum of one hundred dollars each, which sum was allowed by the last general assembly of the late territory of Indiana, and for the payment of which no provision was made by law.

§ 21. That George Armstrong be allowed the sum of thirteen dollars and fifty cents for chairs furnished the present general assembly.

§ 22. Be it further enacted, That the follow-

H H

Contingent fund.

appropriation

Governor to draw on contingent fund.

Appropriation to circuit judges.



Appropriation of general fund.

ing sums are hereby appropriated to meet the several demands that may be payable at the treasury the present year. The several sums heretofore allowed fourteen hundred dollars. The expences of the present general assembly not therein included, eight thousand dollars. Printing the laws and journals, one thousand dollars. For the last quarterly payment of the circuit judges of the late Indiana territory, three hundred and seventy five dollars. For the payment of the officers of the executive and judicial departments of government for the present year, six thousand seven hundred and fifty dollars. For the redemption of territorial warrants that remain unpaid and may be presented for payment at the state treasury, the present year, the sum of five thousand dollars. For the expences of the late convention, the sum of three thousand dollars; and the treasurer is hereby authorised to pay the same by warrants drawn on him by the auditor, out of any money in the treasury not otherwise appropriated.

Allowance to associate judges.

§ 23. The associate judges of the circuit courts established at this session of the general assembly, shall be allowed the sum of two dollars for each day which they may attend on the necessary business of the said circuit courts, and for each and every day which they may serve as a special court for the probate of wills, and settlement of administrators' accounts, to be paid out of any monies in the county treasury upon the certificate of the clerk of the circuit courts who is hereby authorised and required from time to time to give to the person or persons entitled to, and demanding the same, a certificate of the number of days the person or persons named therein shall have attended on the necessary business of either the circuit court or any special court as aforesaid; and the county treasurer is hereby authorised and required to pay the same out of any money in the county treasury not otherwise appropriated.

§ 24. The county commissioners to be elect-

ed according to law to transact the business of the counties respectively, shall severally be allowed the sum of two dollars *per day* for each and every day which they or either of them may necessarily serve in transacting the necessary business of the county, to be certified, and in the same manner as the associate judges of the circuit courts are certified and paid.

This act to take effect and be in force from and after its passage.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 3, 1817—APPROVED,

JONATHAN JENNINGS.

# CHAP. LXX.

*AN ACT authorising the printing and distribution of the acts and journals of the present session of the General Assembly.*

§ 1. *Be it enacted by the General Assembly of the State of Indiana,* That the secretary of state be and he is hereby authorised and required to take bond with two or more sufficient securities from Cox and Nelson, in the penalty of one thousand dollars, payable to the Governor and his successors in office, conditioned, for the faithful performance of printing the laws and journals of the present session of the general assembly of the state of Indiana, agreeably to the terms of their contract as reported and spread upon the journals of both houses of the general assembly, by the joint committee appointed for that purpose, and that they will print and deliver to the secretary of state seven hundred and fifty copies of the



laws in pamphlet form, and three hundred copies of the journals of both houses of the general assembly in pamphlet form, which bond shall be filed and deposited in the office of the secretary of state.

§ 2. The committee heretofore appointed to contract hereafter for the public printing are hereby authorised and required to contract with some person or persons to transcribe the journals of the two houses upon such terms as they may consider most advisable, and to furnish such copies to the printers aforesaid; and the secretary of state, be and he is hereby authorised to deliver the enrolled bills to the printers aforesaid to be printed, taking bond and security for the safe return of such bills to his office.

§ 3. So soon as the said printing shall be completed and the copies delivered to the secretary of state agreeably to contract, the treasurer of state shall pay the price contracted for upon the order of the auditor of public accounts out of any money in the treasury not otherwise appropriated; the certificate of the secretary of state shall be sufficient authority for the auditor to audit and allow said printers the amount contracted for.

§ 4. The secretary of state, auditor and state treasurer are hereby authorised and required to contract with some person or persons to distribute and deliver the copies of the acts and journals when printed, to the clerks of the different counties in the proportion hereinafter mentioned, taking bond and sufficient security for the faithful performance of the contract; and the expences of such distribution shall be paid by the treasurer upon the order of the auditor, out of any money in the treasury not otherwise appropriated. The counties of Wayne, Franklin, Clark and Harrison shall be entitled to forty copies of the acts of the present general assembly; the counties of Dearborn, Jefferson, Washington, Knox, Orange and Gibson, thirty-five copies each; and the counties of Switzerland, Jackson, Warrick, Posey, Perry, Pike, Davies, Jennings and Sullivan, thirty copies

each. And each member of this general assembly shall be furnished with seven copies of the journals of the present session.

§ 5. The Governor, Lieutenant Governor, secretary of state, auditor, treasurer, each member of the present general assembly, and each and every judge, justice of the peace, clerk of the several courts, recorder, county commissioner, sheriff and coroner, elected, or hereafter to be elected in this state shall be entitled to receive one copy of the acts of the present session of the general assembly upon application to the clerk of their respective counties.

This act shall be in force from and after its passage.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

JANUARY 2, 1817—APPROVED,

JONATHAN JENNINGS.

# CHAP. LXXI.

## *AN ACT Providing for the public printing and for other purposes.*

§ 1. *Be it enacted by the General Assembly of the state of Indiana,* That the secretary of state, auditor, and treasurer of state or a majority of them are hereby authorised & directed to make and close on behalf of the state of Indiana a contract or contracts with one or more printer or printers in this state sixty days previous to every succeeding session of the general assembly thereof, upon the most advantageous terms, (taking into view the price, manner and time of performing the work) for all public printing that may be required for that session, by entering into an article or articles;

Duty of secretary, auditor and treasurer.



with the said printer or printers, and his or their security or securities setting forth explicitly the manner in which the public printing shall be executed, and the said printer or printers shall be subject to the payment of all damages sustained by the public in case of non-compliance on the part of such printer or printers with the terms of his or their contract; and the treasurer is hereby authorized and required to commence and prosecute an action or actions, on such article or articles, in any court having competent jurisdiction; and the auditor is hereby authorized to issue in advance a warrant or warrants in favor of such printer or printers payable at the state treasury, out of any money in the treasury appropriated for that purpose, for one half of the supposed amount of such public printing provided the secretary of state, auditor and treasurer aforesaid may think the same expedient.

Printers may be sued for failure.

An advance of one half may be made

Notice public to be given,

Duty of secretary of state.

Further powers and duties of secretary, auditor and treasurer.

§ 2. The said secretary, treasurer and auditor of state, shall previous to entering into any contract for printing, give two months public notice in two news papers, one of which shall be at the seat of government, that they will receive proposals from all such printers as may choose to apply, "the same being a citizen or citizens of the state of Indiana" therefor.

§ 3. The secretary of state shall, within three days after the commencement of each session of the general assembly, report to each branch thereof all contracts had pursuant to the provisions of this act since the last session.

§ 4. The said secretary, treasurer and auditor, shall, sixty days previous to every session of the general assembly, make and close on the part of the state of Indiana, a contract or contracts with some person or persons to furnish both houses of the general assembly, with fire-wood or other fuel and stationary, upon the most advantageous terms that the nature of the case will admit.

§ 5. The contractor or contractors for furnishing fire-wood or other fuel and stationary agreeable to the foregoing section, shall enter into

bond with sufficient security, executed to the treasurer of this state to the satisfaction of the secretary, treasurer and auditor, conditioned, for the faithful performance of the contract or contracts so entered into and in case of the failure of such contractor or contractors, the treasurer is hereby authorized and required to commence and prosecute an action or actions, for all such damages as may be sustained by the non-compliance of such contractor in any court having competent jurisdiction; and when such contract shall have been faithfully complied with on the part of the contractor or contractors to the satisfaction of the secretary, treasurer and auditor, the auditor is hereby authorized to issue warrants in favor of such contractor or contractors, payable at the treasury of this state, out of any money not otherwise appropriated.

§ 6. The secretary, treasurer and auditor, when they give notice agreeable to the provisions of this act, that they will receive proposals for doing public printing, shall at the same time give notice that bonds with good and sufficient security, conditioned, for the faithful performance of such contract executed to the treasurer, must in all cases accompany their proposals, and without such bonds shall accompany the proposals, the secretary, treasurer, and auditor shall not be bound thereby.

ISAAC BLACKFORD,

*Speaker of the House of Representatives.*

CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 20, 1816, APPROVED,

JONATHAN JENNINGS.



2.48

## RESOLUTIONS.

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A joint resolution respecting the immediate printing of certain acts passed at the present session of the general assembly.

*Resolved, by the General Assembly of the state of Indiana,*  
That the secretary and treasurer of state be, and they are hereby authorised and required to contract for the printing of two hundred copies of the law passed at this session of the general assembly entitled an act for commissioning of sheriffs and coroners, and two hundred copies of the law, entitled an act organizing a board of county commissioners," also two hundred copies of the law entitled "an act providing for the election of county and township officers," and two hundred copies of this resolution. That the auditor of public accounts audit, and the treasurer pay for the same out of any money in the state treasury not otherwise appropriated. That it shall be the duty of the secretary of state to furnish copies of the aforesaid laws and resolution to the printer contracted with immediately upon application therefor.

ISAAC BLACKFORD,  
*Speaker of the House of Representatives.*  
CHRISTOPHER HARRISON,

*President of the Senate.*

DECEMBER 27, 1816, APPROVED,  
JONATHAN JENNINGS.

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A joint resolution of the general assembly of the state of Indiana, to adjourn the circuit court, from the court-house in Harrison county to the seminary in the town of Corydon.

*Resolved by the General Assembly of the state of Indiana,*  
That the circuit court for the county of Harrison, authorised by law to be holden on the second Monday in November, eighteen hundred and sixteen, be, and the same is hereby directed

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to be held for the said term in the seminary in the town of Corydon,

ISAAC BLACKFORD,  
*Speaker of the House of Representatives.*  
CHRISTOPHER HARRISON  
*President of the Senate.*

NOVEMBER 9, 1816, APPROVED,  
JONATHAN JENNINGS.

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A joint resolution prescribing the manner, time and place of electing senators from the state of Indiana, to the senate of the United States.

*Resolved by the General Assembly of the State of Indiana,*  
That the members of both houses shall assemble in the chamber of the house of representatives at four o'clock, P. M. on this day, for the purpose of choosing two senators to represent this state in the senate of the United States, which election shall be conducted in the following manner, viz. before the time of meeting each house shall appoint one teller, and inform the other house thereof. At the meeting the president of the senate, or in his absence the speaker of the house of representatives shall preside. The names of the persons voting shall as they give in their votes, be entered down in writing by the tellers; and as soon as all the votes are recorded, they shall then be counted and entered down in the same manner, and the said tellers shall report to the president, or speaker as the case may be, the number of votes given for each candidate: If neither of the candidates shall have a majority of votes of the whole number of members voting, a second poll shall be taken, and so from time to time until two are elected by each getting a majority of the whole number of members voting. If the election shall not have been completed at the first meeting, the president or speaker as the case may be, shall adjourn to such time as a majority of the members present shall agree, and so from time to time until the election shall have been finally closed; whereupon the president or speaker as the case may be, shall announce the two persons each having a majority of the votes of the whole number of members voting to be duly elected senators to represent this state in the senate of the United



States. And the president or speaker as the case may be, shall in the presence of the members of both houses, sign four several certificates of the election attested by the tellers, one of which certificate shall be transmitted to the president of the senate of the United States, one to the persons so elected, and the remaining two shall be preserved amongst the records, and entered at length on the Journals of the senate, and on the journal of the house of representatives.

ISAAC BLACKFORD,  
*Speaker of the House of Representatives.*  
CHRISTOPHER HARRISON,  
*President of the Senate.*

NOVEMBER 8, 1816, APPROVED.

JONATHAN JENNINGS.

A joint resolution providing for the printing of the act to amend the act regulating the militia.

*Resolved by the General Assembly of the State of Indiana:* That the secretary of state, auditor and treasurer (or a majority of them) are required to contract for the printing of six hundred copies of the militia law passed at this session, to be delivered if practicable before the adjournment of the general assembly, to be transmitted to the different counties in such proportions and in the manner that shall be directed by the commander in chief or adjutant general.

ISAAC BLACKFORD,  
*Speaker of the House of Representatives.*  
CHRISTOPHER HARRISON,  
*President of the Senate.*

JANUARY, 3, 1817—APPROVED,

JONATHAN JENNINGS.

*Resolution respecting the public printing.*

*Resolved by the General Assembly of the state of Indiana:* That the secretary of state be, and he is hereby authorised and required to superintend the printing the acts and journals of the present session of the general assembly, and to make out an in-

der to the acts as also marginal notes to the same, and that he be allowed such compensation for his trouble as the next general assembly may order and allow.

ISAAC BLACKFORD,  
*Speaker of the House of Representatives.*  
CHRISTOPHER HARRISON,  
*President of the Senate.*

JANUARY 3, 1817—APPROVED.

JONATHAN JENNINGS.

A joint resolution of both houses of the general assembly of the state of Indiana, providing for the election of three electors to vote for president and vice president of the United States of America at the ensuing presidential election.

WHEREAS there is not time to provide by law for the election of electors for president and vice president of the United States in the next presidential election by our constituents in their respective districts, and this legislature being willing to embrace the earliest opportunity of informing our sister states in the union, of our political character, as well as to promote as far as in our power genuine republican men and measures; therefore:

*Resolved, That the General Assembly of the State of Indiana,* proceed to the election of three electors for this state to vote for president and vice president of the United States of America at the ensuing presidential election on Wednesday the 13th instant, at four o'clock P. M. to be conducted in the same manner as is provided by law for the election of senators to represent this state in the senate of the United States. That the president of the senate shall forthwith inform the Governor of such election whose duty it shall be to cause the persons so elected to be informed thereof, together with the time and place they shall be required to convene for the purpose of giving their said votes as provided by the constitution of the United States, and the act of congress in such case made and provided.

ISAAC BLACKFORD,  
*Speaker of the House of Representatives.*  
CHRISTOPHER HARRISON,  
*President of the Senate.*

NOVEMBER 13, 1816, APPROVED.

JONATHAN JENNINGS.



A joint resolution authorising the collection of certain monies due from the citizens of Harrison county to the state of Indiana.

WHEREAS it appears to the general assembly, that a bond has been given by certain citizens of the county of Harrison for the payment of one thousand dollars to the state within six months after the state government shall have taken effect, and as the said bond has been lost or mislaid, and a difficulty may therefore arise in the collection of the same, for remedy whereof;

*Be it resolved by the General Assembly of the state of Indiana,*  
That the treasurer of the state be and he is hereby directed to make demand forthwith of any and every of the persons who entered into the bond aforesaid, and receive from the same the sum for which the aforesaid bond was given, according to the true intent and meaning thereof; and on failure to pay the same on or before the first day of May next, the auditor of public accounts for this state, shall thereupon commence a suit or suits in law or chancery for the recovery of the said sum of one thousand dollars, and he is hereby authorised to employ counsel if necessary to the effectual prosecution of such suit or suits.

ISAAC BLACKFORD,

*Speaker of the House of Representatives,*

CHRISTOPHER HARRISON,

*President of the Senate,*

JANUARY 3, 1817—APPROVED.

JONATHAN JENNINGS.

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ERRATA.

Page 33 dele I before V after Chap. in some of the copies.

Read justices instead of justies in the title to the act.

Correct the page over Chap. LXI to 232, instead of 220, in some of the copies.

There may perhaps be some orthographical errors, but there are none to mislead.



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